THE CHINA WEEKLY

REVIEW

Devoted to the Economic, Political and Social Development of China and its Intercourse with Other Nations

The Violation of China's Sovereign Rights?

They Are Also Worrying About Extrality In Turkey

Fundamental Institutions of Chinese Civil Law

By Prof. Riasanovsky

Why Americans Should Study Asiatic Culture

By H. F. MacNair

密勒氏評論報

SATURDAY, JULY 10, 1926

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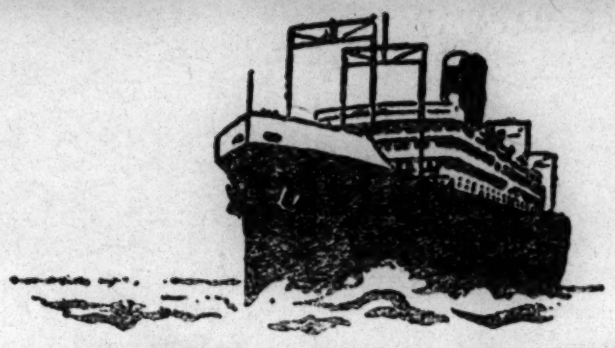

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Contents

Editorial Paragraphs
- They Are Also Worrying About Extrality in Turkey 127
- The Violation of China's Sovereign Rights ?..... 129

Special Articles
- Why Americans Should Study Asiatic Culture..... ..... By H. F. Mac Nair 130
- Fundamental Institutions of Chinese Civil Law..... .....By Prof. Riasanovsky 131

Men and Events 142
The Week in the Far East 144
From the Chinese Press..... 147
New Books and Publications 149
General News Summary..... vi
What Ships Carry between America and China v

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THEY ARE ALSO WORRYING ABOUT EXTRALITY IN TURKEY

WHILE Americans and other foreigners in China are worrying over the situation respecting a continuance or non-continuance of extraterritoriality, it is interesting to note that the Americans residents in Turkey are worrying over the same problem, except from a different angle. The situation from the standpoint of Turkey and the United States is more acute than that existing between China and America because the Treaty between Turkey and the United States signed at Lausanne on August 6, 1923 is now up for ratification in the United States Senate. This treaty which was negotiated at the second Lausanne Conference by Ismet Pasha, chief Turkish delegate and Joseph C. Grew, the American delegate, definitely relinquishes with certain reservations American extraterritorial rights in Turkey. Hence the fight over this question has now been transferred to Washington where the proponents and opponents of ratification are concentrating their attention upon the United States Senate. And the question is an exceedingly acute one because Senator Borah, chairman of the Foreign Relations Committee, following a recent conference with the President and Secretary of State, has announced his intention of bringing the subject up for debate before the adjournment of the present session which is expected shortly. The treaty has already been publicly endorsed by Secretary Kellogg.

THE SITUATION respecting American opinion on the question of ratification or non-ratification of the Turkish treaty relinquishing extraterritorial rights is most interesting and especially so in China since the business men and missionaries seem to have split on the question, the missionaries opposing ratification while the business men are favoring ratification. A few weeks ago Bishop Manning transmitted to Senator Borah a protest against ratification signed by 110 bishops of the Episcopal Church, while on the other hand the Federated American Chambers of Commerce of the Near East, representing all the American commercial interests most vitally concerned in a commercial treaty with Turkey have expressed the conviction that the treaty ought to be ratified and as soon as possible. However, opinion among all of the American residents of Turkey is not so clear-cut as the two foregoing expressions of opinion would seem to indicate. Rev. James L. Barton, secretary of the American Board of Commissioners for Foreign Missions, who traveled in Turkey in July and August, 1925, upon his return to America stated that he had talked with Americans interested in religious,

philanthropic, educational and commercial enterprises and found the universal opinion to be that American interests in Turkey would best be served by a speedy ratification of the treaty relinquishing extraterritoriality. On the other hand the heads of various American schools and colleges in Turkey expressed the fear that they would be forced to close their institutions unless they were given full treaty protection. They claim that they are already handicapped in their work and that the Turkish Government would go still further if it did not fear that action against the American schools might prejudice ratification of the treaty. The charge is also made that Americans resident in Turkey have been influenced to favor ratification owing to fear of retaliation on the part of the Turkish authorities. It is of interest to note in passing that the United States is the only important nation which has not ratified the Lausanne Treaty, all the other nations such as Great Britain, France, Italy, Germany and Soviet Russia having already relinquished their extraterritorial rights.

THE OPPOSITION of the protestant missionaries to relinquishment of extraterritorial rights in Turkey is based upon the fact that the treaty contains no provision for the protection of the Christian minorities in Turkey. They declare that the treaty abandons a helpless Christian minority to the indiscriminate power of the Turkish Government, which has for centuries been noted for ruthless barbarity toward its Christian subjects. They point to the fact that in 1894-5 Abdul Hamid caused more than 100,000 Armenians to be murdered and that in 1908 another 100,000 were slaughtered. When the Young Turks came into power they renewed in 1908 a pledge previously given by the Turkish Government that the Armenians would be protected, but between 1914 and 1916 some 600,000 were killed, another 600,000 more forced into exile and the remaining 600,000 forcibly converted to Islam or driven into the mountains or beyond the borders of the country. It is also a fact that there have been further persecutions since the armistice, the responsiblity for much of which is attributed to Mustapha Kemal, the present Turkish ruler.

ALTHOUGH there has been no official investigation of Turkish courts similar to that which is now being made in China, the State Department is in possession of considerable information on the subject. Judge Jasper Brinton, at present, American judge on the Court of Appeals of the mixed courts of Egypt, visited Turkey in 1924 and 1925 for the purpose of studying the Turkish legal system with the object of seeing how far reforms have been put into effect. He reported that:

> "The reforms which have already been effected are of a fundamental and comprehensive character. They manifest courage, vigor and intelligence and are the best guarantees that Turkey could afford of the sincerity of her intentions and of her capacity to offer to foreigners within her borders the protection of a modern system of justice properly administered."

As to the legal reforms which the Turkish Government has effected, the Turkish Assembly on February 14, 1926 approved an entirely new civil code closely following that of Switzerland which is considered to be one of the most modern and democratic of Continental civil codes and is distinguished by the fact that it has worked successfully in Switzerland where there are three different national groups, French, Germans and Italians. On March 1 of this year the Turkish Assembly adopted the Italian criminal code which has been modified to include the death penalty for premeditated homicide. In addition to this the Assembly is considering the adoption of the German commercial code in place of the one now in force. In addition to this the Turkish Government has employed legal advisers from Holland, Switzerland, Sweden and Spain to assist in general judicial reform. The old law courts have been abolished and a unified court system established in accordance with the terms of the Judicial Reform Act of April 8, 1924. New criminal and civil procedure was instituted by an act of the Assembly on April 22, 1924.

THE MOST important provisions of the Turkish-American Treaty which is now being considered by the United States Senate have been summarized as follows:

PREAMBLE: The purpose of the treaty is to regulate the conditions of intercourse between the United States and Turkey and to define the rights of the respective nationals in the territory of the other in accordance with the principles of international law and on the basis of reciprocity.

Article 1. Most-favored-nation treatment is accorded to the diplomatic officers of the two countries.

Article 2. Provides for the abrogation of the capitulations relating to the regime of foreigners in Turkey both as regards conditions of entry and residence and fiscal and judicial questions. (Articles 1 and 2 are permanent and are not subject to revision at stated intervals as are the remaining articles of the treaty.)

Article 3. Nationals of the high contracting parties have full liberty of entry, travel and residence upon conforming to the laws of the country, and shall enjoy protection in conformity with international law. Their property shall not be taken without due process of law or without indemnity. They may, under the local laws and regulations in force, engage in every kind of profession, commerce, etc., not forbidden by law to all foreigners. They shall have the right to possess and dispose of all kinds of movable property on a footing of equality with the nationals of the country. As regards immovable property, the nationals of each country shall, in the territory of the other, enjoy the treatment generally accorded to foreigners by the laws of the place where the property is situated, subject to reciprocity. They may own, lease, and construct buildings for residential purposes or any other purpose permitted by the present treaty. Upon conforming to the laws they shall enjoy liberty of conscience and worship and shall, equally with the nationals of the country, have full access to the tribunals.

Article 4. Commercial, industrial and financial companies and associations organized under the laws of the United States and Turkey, and maintaining head offices in the country in which they are organized, shall be recognized by the other country, provided they pursue no aims contrary to its laws. They shall be entitled to the same protection as that accorded to nationals in Article 3. Subject to the applicable laws, they shall have free access to the courts. Such companies and associations shall, subject to the laws in force in the country, have the right to acquire, possess and dispose of every kind of movable property. As regards immovable property and the right to engage in commerce and industry, such companies shall enjoy, on condition of reciprocity, the treatment generally accorded by the laws in the locality where such companies are constituted.

Article 5. Domiciliary visits and searches of dwellings, warehouses, factories, etc., of nationals or companies, as well as the inspection of books, accounts, etc., shall take place only under the conditions and in the form prescribed by the laws in respect to the nationals of the country.

Article 6. The nationals of one country in the territory of the other shall not be subject to military service and both individuals and companies shall be exempt from forced loans or other exceptional levies on property.

Article 7. The nationals of each country shall be accorded, in the territory of the other, the same treatment as natives in all matters concerning the collection of taxes, imposts and other charges.

Article 8. In matters of personal status and family law (marriage, divorce, dower, adoption, etc.) and, as

regards movable property, the law of succession, liquidation, etc., citizens of the United States in Turkey shall be subject exclusively to the jurisdiction of the tribunals or other national authorities of the United States sitting outside of Turkey.

Article 9. Provides for freedom of commerce and navigation between the two countries upon most-favored-nation treatment, subject to sanitary, police and customs regulations.

Article 10. Merchant and war vessels and aircraft of the United States enjoy complete liberty of navigation and passage in the Dardanelles, the Sea of Marmora and the Bosphorus on a basis of equality with similar craft of the most favored nation, subject to the rules relating to such navigation and passage of the Straits Convention of Lausanne of July 24, 1923.

Article 11. Most-favored-nation treatment as regards import duties is accorded to articles exported from one country to the other and no export duty is to be levied higher than that imposed upon similar articles exported to any other foreign country.

Articles 17 to 26 define in detail the rights and duties of consular officers.

Article 31. The treaty shall come into force two months after the exchange of ratifications. Articles 1 and 2 shall be permanent. Articles 3 to 8 for the duration of seven years, while articles 9 to 28 shall remain in force for five years. If neither country notifies the other six months before the expiration of these periods of its intention to denounce any of the articles in question, they shall remain in force until the expiration of a period of six months from the date on which they shall have been denounced.

Perusal of the terms of the Treaty will show that one important reservation has been made. In matters of personal status and family law (marriage, divorce, dower, adoption, etc) and as regards movable property, the law of succession, liquidation, etc., citizens of the United States in Turkey shall be subject to their own tribunals, but sitting outside of Turkey. As stated in the foregoing, treaties with Turkey quite similar to the provisions in the American treaty have already been adopted by other countries such as Great Britain, France and Italy.

THE VIOLATION OF CHINA'S SOVEREIGN RIGHTS?

Editor, *The China Weekly Review:*

Sir,—The Chinese claim that the Treaty Powers are violating China's sovereign rights in refusing to return the Mixed Court. They base their contention on the fact that the Mixed Court was established by Treaties providing the rules of procedure and the power of the Magistrates and Assessors, and that the Mixed Court as now constituted violates and infringes such Treaties. During the Revolution in 1911 the Mixed Court Magistrate neglected to carry out his duties and embezzled $60,000. from the Court funds. Criminals and lawbreakers were left unpunished, and the Consular Body in order to enforce peace in the Settlement issued a proclamation dated November 10, 1911, which, among other things stated:

"... ; and WHEREAS, it is essential for peace and good order of the said Settlement that the Mixed Court with the prisons thereto attached should continue to carry on their functions."

The failure of the Mixed Court Magistrate to carry on with the Court and the neglect of the Government to appoint a successor constituted a clear breach by the Chinese Government of the Treaties relating to the Mixed Court.

In Moore's International Law Digest, Vol. 5, on page 320, it is stated:

"Where a treaty is violated by one of the contracting parties, it rests alone with the injured party to pronounce it broken, the treaty being, in such case, not absolutely void, but voidable, at the election of the injured party, who may waive or remit the infraction committed, or may demand a just satifaction, the treaty remaining obligatory if he chooses not to come to a rupture."

The Consular Body was justified under International Law in taking over the Mixed Court. The foreign powers would have been justified in declaring null and void the Treaties pertaining to the Mixed Court. However, they did not do this, but simply carried on. Now that the Chinese are demanding a return of the Mixed Court the foreign powers are entitled under International Law to demand a just satisfaction for the breach of the Treaties by China. Before China can demand a return of the Mixed Court she must comply with such demands or requests as the Treaty Powers may make. It cannot be said that China's sovereign rights are being violated. It is more correct to say that the blame and fault lies with China for violating her Treaties.

At the time the Mixed Court was taken over by the Consular Body China had no Government. The Revolution of 1911 was in full swing. China has no Government now. Wu Pei-fu and Chang Tso-lin have been unable to come to any agreement. The Canton Government does not recognize the so-called Peking or Central Government. The Kuominchun is alleged to be making preparations for another attack upon the parties now alleged to be in power. It has been stated that Sun Chuan-fang has declared his independence of the Peking Government. With whom is the Consular Body to deal? Who is the Peking Government? Who has authority to receive back the Mixed Court? What guarantees can be made that the administration of the Court will be continued? During the past year the administration of the Chinese areas around Shanghai has changed hands with kaleidoscopic rapidity. Every time there is a change the Magistrates and Judges in the Chinese Native Courts are changed. Cases partly heard have to be tried again, and for long periods of the Courts do not function at all. If the International Mixed Court should be handed back to the Provincial Authorities such Provincial Authorities might be ousted at any time and the Judges appointed to sit in the Mixed Court would probably be changed or removed by the next administration. This is exactly what the foreign powers desire to prevent. The Revolution of 1911 is what caused the Court to be taken over by the Consular Body. If it was now rendited it is extremely probable that the Consular Body would have to again take it over in order that law may be enforced in the Settlement.

Those persons who are clamoring for the rendition of the Mixed Court and proclaiming that China's sovereign rights have been violated would serve the Chinese community of Shanghai far better if they would bend their efforts towards obtaining certain reforms in the Mixed Court which everyone admits are essential. Some foreign Judges who understand Chinese law, language and customs might be appointed to sit with Chinese Judges who are qualified to administer the law in a community like Shanghai. Their salaries might be paid partly by the Municipal Council and partly by the Chinese Government. An Appeal Court should be established. All of these reforms might be agitated to the advantage of both foreigners and Chinese alike. Nothing is to be gained by attempting to throw the Mixed Court back into the mire from which it has been lifted by the Consular Body. Any agitation should be to push the Court forward and upward and not backward. To say that China's sovereign rights are being violated is to bend the boomerang in such a manner that it throws back into China's face her own failure to perform her Treaty obligations.

Shanghai, July 2, 1926.

FOREIGN ATTORNEY

Why Americans Should Study Asiatic Culture

BY H. F. MacNAIR

"THIS life of ours is stuck round with Egypt, Greece, Gaul, England, War, Colonization, Church, Court, and Commerce, as with so many flowers and wild ornaments grave and gay", wrote Emerson about 1840, in his essay on History. And it is significant that so active and broad-minded a thinker should have omitted mention of Oriental countries and institutions in his list of factors which formed the background of his country's life, physical and intellectual. "I can see my own vices without heat in the distant persons of Solomon, Alcibiades, and Catiline", he remarked in the same essay—thus making doubly clear the limitations of his horizon as intimated above and at the same time demonstrating at the age of thirty-eight, a praiseworthy degree of modesty as regards personal vice. Why should not the emperor T'ang Ming Huang or the Minamoto Shogun Yoritomo have been listed among the reflectors of Emerson's foibles and weaknesses? May this be taken as an early evidence of American Oriental exclusion?

And still it was not until after the first Anglo-Chinese War had been concluded, and the Honorable Caleb Cushing had negotiated the treaty of Wanghia in 1844, that the Far East became in any way significant in Western politics in spite of the fact that the East had been of growing commercial importance for the preceding sixty years. What is more surprising, however, than the tardiness with which the West came to appreciate the political significance of the Far East is the slowness with which the significance of the Far East as an intellectual factor in world civilization has been realized.

American Provincialism

A recent number of the *Atlantic Monthly* contains a most stimulatingly ironical essay by Miss Agnes Repplier entitled "On a Certain Condescension in Americans." In this the foremost American essayist reveals in a convincing, if depressing, manner the intellectual provincialism of the great majority of Americans of the present day as regards Europe and all things European. That the average American—not merely the One-Hundred-per-center—does not limit his infantile manner of thinking merely to Europe, however, is shown by a statement quoted by Miss Repplier from an editorial in the August 1923, *Ladies Home Journal*: "There is only one first-class civilization in the world today. It is right here in the United States and the Dominion of Canada. Europe's is hardly second-class, and Asia's is about fourth-to sixth-class." Miss Repplier adds, "I verified this quotation, finding it a little difficult to credit, and borrowed it for a lecture I was giving in New York. My audience took it at its face value, and cheerfully, I might say enthusiastically, applauded the sentiment. It was evident that to them it was a modest statement of an incontrovertible fact, and they registered their cordial agreement. They seemed—so far as I could apprehend them—to believe that we were, like Jews, a chosen people, that our mission was the 'uplift' of the human race, and that it behooved those who were to be uplifted to recognize their inferior altitude."

How the average American evaluates European civilization is not of primary importance either to Asiatics or to Americans residing in the Orient. Such remarks, however, as the one quoted to the effect that the civilizations of Asia are from fourth to sixth-rate as compared with that of America, give food for thought—to others than Miss Repplier. "As he thinketh in his heart, so is he" wrote the Hebrew sage of old regarding man. And it is noteworthy that he did not say, "As a man thinketh, so is the object of his thought." After all the results of such thought are not as dangerous for the East as for the West. Nevertheless what the American people think of the civilizations of the East cannot fail to have an effect upon the peoples of Asia. The effects of the superiority complex of the peoples of both East and West in their dealings with each other during the last four centuries have been by no means few or insignificant. Whether the relations which are to be maintained between them during the next four centuries are to be significant in as uncomfortable a way as hitherto depends largely upon the psychological attitude taken in the future by the peoples of the West in their dealings with those of the East.

During the past hundred years the earth has for all practical considerations grown immeasurably smaller on account of the improved methods of communication and transportation. In earlier times the attitude of the people of the Occident toward the civilizations of the East was not of the far-reaching consequence that it is at present. It is only as people come into intimate contact that their personal characteristics and mutual attitudes become of critical importance.

No individual has done more of late years to acquaint the people of America with the culture and civilization of the celestial empire than the commercial attache of the American Legation in Peking. In his recent travels through a great part of the United States, Mr. Julean Arnold played the part of frank but friendly critic of the attitude of complacence and superiority characteristic of those who applaud such sentiments as those quoted by Miss Repplier. As he visited innumerable schools, colleges, clubs, and chambers of commerce, Mr. Arnold did not hesitate to criticise American ignorance of events, conditions, and institutions Oriental, and to suggest that it was fully as important for them to know something of Asia as it is to follow the developments of Europe. For several years he has argued that it behooves the people of the United States to take as intelligent an interest in China as many Chinese are taking in America, and that it is as necessary for Westerners to study Oriental life as for Orientals to study Western life. "Tens of millions of dollars have been spent upon educating Chinese to understand America and American ideas, whereas but a few tens of thousands have been spent in trying to educate Americans to understand China and things Chinese", remarked Mr. Arnold in a recent article in which he discussed the mild, but growing, interest of America in Far Eastern cultural conditions. Not without reason, nevertheless, does he deplore the fact that "the twenty-five million children in the public schools of the United States are receiving practically no instruction regarding the civilizations of the peoples of Asia and that the American people generally are lamentably ignorant of conditions in the Far East..."

It is natural—but unfortunate-that intellectual knowledge should lag far behind commercial interest in dealings between men and nations. Machiavelli noted this human trait when he advised the prince to adopt any measure to obtain his ends except that of confiscation of property, since, said he, "men do sooner forget the death of their father than the loss of their patrimony". That study of oriental culture should receive but little attention in youthful America is not surprising when the same state of affairs holds in old England. In a recently published appreciation of the late Professor E. H. Parker, Lady Hosie remarks: "The faculty hardly knew him by sight. He only once attended a Senate meeting: but at that he made a contribution to the discussion which was never forgotten. He was professor of Chinese at Victoria University, Manchester, and Reader in Chinese at Liverpool. A discussion hung on, and on, as to the exact status, dignity, emoluments and number of students attached to a Readership. At last he rose and uttered a solitary sentence which brought down the house. 'I speak in person', he said, 'as Reader in Chinese in Liverpool to say that, in my own experience, there is no status and no dignity, there are no emoluments and no students!" And Lady Hosie adds, "He was very pungent when he touched on the appalling apathy of British universities as to Chinese subjects, their total disregard of the literature and history of half Asia, and their naive self-content in this state of things. He wanted more Chairs of Chinese created, to dissipate this insular attitude towards world learning and greater support and encouragement given to those already in existence."

Interest In East Slowly Growing in U. S.

The "appalling apathy" which Professor Parker criticised in England holds to an equal if not greater extent in the United States. There is a slowly, very, very slowly, growing interest in the Far East in the larger universities on the Pacific coast, notably at the University of California. Stanford, and the University of Washington. We have mentioned at another time the coming of Professor Paul Pelliot to Columbia University to fill the Chair of Chinese which is one of the most hopeful signs of a sustained interest in oriental culture at that university. In Boston, Washington, D. C., and Chicago the interest in oriental art is quite considerable. Generally speaking however, American University courses in Asiatic history, government and literature compare very badly—in number at least—with those having to do with Europe, as does the printing of books by American presses having to do with the East.

Since the middle of the nineteenth century occasional Americans have been catholic minded enough to realize that if America's past has had chiefly to do with Europe her future must have even more largely to do with Asia. In 1852, while Perry's immortal Japan Expedition was being prepared, Secretary of State Seward announced that America must control an empire on the sea which must include the Pacific as well as the Atlantic oceans. By this he did not mean that the United States should have the sole control of those oceans which would have been an absurd claim, but he did mean that a country situated as is the United States

between two great Oceans and facing toward two great continents could not shut itself off from contact with either of the oceans or continents. Secretary Seward held that the interests of America in the Atlantic and in Europe would "relatively sink in importance, while the Pacific Ocean, its shores; its islands, and the vast regions beyond" must inevitably become the "chief theatre of events in the world's great hereafter." And Secretary Hay who directed American foreign relations at the close of the nineteenth century held that the nation which could understand and guide China into the right paths would hold the key to the future for the next half a thousand years.

It stands to reason that the understanding of the problems of the Pacific and the Far East must not be a one-sided one. It is every whit as imperative that America shall understand and appreciate the culture of the East as that she should develop friendly and paying commercial and political relations with the nations of Eastern Asia—in fact she cannot hope to accomplish the latter in the long run unless she does the former concurrently. Nature has placed the United States in a Janus-like position between old Europe and old Asia; we say Janus-like advisedly, for America must have *two* faces, not one. She can not in the future turn her back to Europe any more than she has in the past but neither can she turn her back to Asia as much as she has unfortunately done at times past. She must face intellectually in two directions and be as ready to assimilate the best of Asia as the best of Europe. Janus, according to Roman mythology, was the Porter of Heaven, and the "god of good beginnings, which ensure good endings". He was considered as the promoter of civilization. Let us hope that it is not merely accidental that the people of the United States have been placed by nature in the position of Janus and that they may by study and friendship with the best in Asia be able to grasp the opportunity which the present century has placed in their path.

Shanghai Americans Observe Independence Day

The 150th. anniversary of American independence was celebrated with more than the customary festivity by the American community of Shanghai last Saturday and Sunday July 3 and 4. The first of the many ceremonies that took place beneath the furls of the Stars and Stripes was the flag raising held last Saturday morning at the American Consulate, when Old Glory was hoisted to the masthead in the presence of members of the American Company and the American Troops and a large number of governmental officials and American citizens. Mr. Edwin S. Couningham, American Consul-General, presented each child present with a tiny flag.

With bared heads, the audiance listened to the reading of the Declaration of Independence, a time-honored fashion, by C. S. Franklin, and Captain A. H. Dresel, of the U. S. Navy, delivered a short address on the American flag, its origin and meaning. Judge Milton D. Purdy, of the United States Court for China, also spoke and presented prizes to the scholars who were successful in a recent essay competition.

From 11:30 a.m. to 12:30 p.m., Mr. Cunningham was "at home" and a large number of residents and visitors attended, including members of the Consular Body, Chinese officials, representatives of the navies in port, etc. At noon a toast to the President was proposed by Mr. Cunningham and drunk by the assembled company.

Members of the Amerinan Club were "at home" to their friends at the Club at tiffin last Saturday and a large number of people attended to participate in the celebrations. The interior of the Club was decorated in keeping with the ocassion, the Stars and Stripes being everywhere in evidence. Mr. Cunningham was the principal speaker and welcomed the guests. In his speach Mr. Cunningham traced briefly the difficulties and hardships that were endured that America may live as a free and independent nation. He touched upon America's idealism in her relations with other nations and praised the unselfishness and national faith of the country. Upon the invitation of the President of the American Club, Mr. Cunningham proposed a toast of the day which was drunk with acclamation by everyone present. Sir Sidney Barton, K.B.E., C.M.G, British Consul-General, who was the subject of congratulations by Mr. Cunningham on behalf of the Americans assembled on his being honored by his country with a Knighthood of the Order of the British Empire, replied on behalf of the guests.

Fundamental Institutions of Chinese Civil Law

BY PROF. RIASANOVSKY

(*In The Manchurian Monitor*)

CHINESE civil law is passing through a period of transition. On the one hand, there still remain in force numerous private-legal standards included in the "basic laws of the Tsing dynasty" (Ta Tsing Lui Li), which governed China beginning with the VII Century and which reflect usages of still greater age; on the other hand, present conditions of life and new ideas have found their expression both in the lawmaking of the republic and in judicial practice, in the activity of a Supreme Court (beginning with 1911). There has also been prepared a project for a code of civil law, corresponding to present requirements of life in China, and which has had great influence upon judicial practice of recent times. As a result, the old institutions of Chinese civil procedure are coming under the influence of new ideas, and, it is possible, in the near future will be subjected to serious reformation according to the new civil code.

In the present article we wish to call the attention of our readers to those fundamental institutions of Chinese civil law in force which have more completely retained the original characteristics of the old law, and which, therefore, differ more radically from modern European laws. Among such institutions are: the laws of ownership, marriage and succession, which we shall proceed to study[1]).

The Law of Ownership

Modern Chinese law, generally speaking, shares the understanding of the right of ownership which has existed until present times in European countries. According to this understanding, the right of ownership is a fuller right to exercise control over things than is admitted by objective law.

The right of ownership comes under the class of absolute rights—the owner is given protection against all third persons who infringe upon his rights. According to its contents, the law of ownership is limited in the interest of procedure of law, and includes the right to own, and to dispose of things, as well as the right to acquire such. In relation to immovable property, the law of ownership is concretely expressed: (1) in the right to the produce on the face of the earth, to water, and to all appurtenances, (2) the right to what is in the earth, and (3) the right to the air over the parcel of land.

Modern Chinese law, in general, recognizes the above definitions.

"The owner of immovable property may dispose of the same at his will within the limits of the law and established regulations"—decreed the Supreme Court (63—1913). "The law of ownership is absolute. The owner may place his right of ownership against any and all". (739—1915). "Owner may demand the removal of everything that interferes with his right to exercise ownership; similarly he may take preventative measures against these interferences." (532—1915). "The right of owner to dispose of his property is one of the attributes of ownership." (849—1915).

The question of the rights of owner relative to the surface of the earth and to what is in it is subject to some doubt.

With regard to the right to the surface, it should be noted that the usual law (for instance in Kiangsu Province) defines a special right to the surface. This right, however, may not be regarded as ownership of the surface and ownership of the ground and what is inside it, as is done by Franke[2]), but as permanent leasehold with the privilege of transfer.

"A widespread custom makes a difference between the surface and the ground (what is inside) of a field"—remarks Buhle. "The surface—means right to exploit, the ground—means outright ownership. The right to exploit a field may be sold by the first owner of the ground, and he reserves for himself merely the fundamental domination over the property, but cannot exploit the same. According to the law, he is

1. For the present article we have made use, with certain abbreviations, of separate chapters taken from a work we have prepared for publication, entitled "Modern Civil Law of China." Quotations from the Tsing law are taken from the English translation by Mr Figures in parentheses indicate the year (occasionally double: the year of the Republic of China, and western) of decisions of the Supreme Court in Peking.

2. See Franke—Chinese law on immovable property, p. 84.

the real owner, only his name is entered upon the books, and only he should pay land taxes, he is called the owner, the payer of dues. . . . The contract which defines the division into ground and surface is merely a lease contract. The tiller of the soil acquires permanent leasehold, but he must accurately pay his rental . . . 2) With regard to the ground (i. e. what is under the surface) it should be admitted that the ground (contrary to the opinion of Mr. Jamieson) 3) belongs to the owner of the site (and not to the government). Thus the owner has the right to dig wells, ditches, pits. etc., required for the exploitation and the irrigation of his land. The owner has the right to work certain minerals (11 kinds) without paying taxes of any kind whatsoever therefor, he has the first option upon the working of another group of minerals (29 kinds), and only one group of minerals (22 kinds) is in its entirety subject to the regime of free mining (p. 6—11 and 83 Statutes on Mining Industry); and the miner, when exploiting the land of a stranger shall enter into an agreement with the latter (and in general with interested parties), be he a private person or the government, and compensate them (pp. 58 and 59). The rights of the owner to land which do not interfere with the exploitation by the miner of the land, shall rest with the former (p. 68). Upon the discontinuance of exploitation, the miner shall return the land to the owner, with compensation for damages caused (p. 69).

All of this serves as sufficient evidence to the fact that even according to Chinese law the right to land entirely, including also the ground, belongs to the owner of the site, while the right to work minerals is a separate right.

Forms Of Rights Of Ownership

According to legal persons, distinction must be made between the following forms of ownership: (1) individual property, (2) common property, (3) government property, and (4) banner lands.

1. Individual Property

Many writers who have discussed this question hold the view that land in China is not private, but belongs to the Emperor, to the government (Williams, Macgowan, Simon, Simcox, Douglas and others). This view was for a long time the prevalent one among European and American writers. However, for a long time past this view has not been in accordance with true conditions. At a certain stage of development of public relations, all nations have regarded the monarch in the same manner, as the owner of the territory of the nation. This was true in old Russia, where the princes regarded their principalities as their patrimonial estates, and the entire territory of the country was regarded as the land of the grand (or appanaged) prince. The same condition was observed at one time also in England and other countries. We have until recently met with the same condition also in Mohammedan law, where all land was regarded as the property of the Imam, while private persons were merely owners of the right to exploit. However, in practice both the Arabs and the Tartars have long ago regarded the land as a common object of private ownership, subject to free trade. The same was true in China. The Son of Heaven, the Emperor, was regarded as the supreme sovereign and as the owner of the entire territory. In China long ago, however, there began to develop a distinction between governmental and private ownership to land. There is information to the effect that as early as in 350 B. C. there were abolished in the appanage of Chin all public fields, and each person was permitted to occupy land as permanent property with the right to dispose thereof at his will. When all appanges in 221 B. C. were united under the government of the Tsing dynasty, this measure was extended to include the entire country. Since that time the rulers of different dynasties—Han, Tan, Sung, Ming, Tsing, and others, have made a distinction between governmental and private property. In the annals of the Sung dynasty, for instance, we read: "Cultivated lands were turned into permanent property, and the officials demanded no rental payments therefor" (A. D. 976—983). In the annals of the Tsing dynasty (XII—XIII Cent.) it is stated: "Rentals were collected from government lands, while a tax was levied on private property". At the beginning of the reign of the Ming dynasty all fields were divided into governmental and private fields, with the right of free disposal of the latter. This was confirmed by the Taichin government. It is true that in the course of history one or another Emperor was often met with who controlled also private lands, eliminating boundaries and expropriating the land for governmental and public requirements, etc. However, these measures of a judiciary character or of sovereign administration were only constraining or limiting private ownership, but they did not change the latter as such, and did not destroy the principle of private ownership. Also in modern Chinese judiciary procedure we meet with free sale, mortgaging and giving for rental of immovable property of private persons with the payment of corresponding taxes, without reference being made to any special rights of the Emperor or government to this immovable property.

This is clearly confirmed by the practice of the Supreme Court. In its decision 2287—1915, the Supreme Court rules: "When proceeding to work which has for its aim the public weal, the government resorts to expropriation, but at the same time it respects, according to the law, the right of ownership; from this course of action on the part of the government it indubitably follows that also private persons cannot act otherwise". In another decision it rules: "After the division of Common property, the owners may exercise the right of ownership over that part of the property which became theirs after such division". (532—1915). Or: "The owner of immovable property may dispose of the same according to his will within the limits of the law and established regulations; inasmuch as the sale is an act of disposal, it becomes logical to admit to the owner of immovable property the liberty to sell the same to whomsoever he desires; third persons are not allowed, without special reason therefor, to act against the buyer of this immovable property". (63—1913). "The rights of ownership are absolute; the owner may place his right against any and all persons". (739—1915).

From the above it clearly follows that Chinese law recognizes the right of ownership by private persons, and that it knows the individual right of ownership of immorable property (compare Franke, Jamieson, Yaknf, Saharoff).

It should be remarked with regard to foreigners that in the Chinese text of treaties concluded by China with foreign governments, it is ofter mentioned that the foreigners have the right to "lease" but not to "buy" land. In deeds of sale concluded with foreigners the expression "give for permanent leasehold" is used instead of the expression "sell". However, if, when such an act of lease is executed, full payment for the land is made, the deed includes the expression; "so that the land becomes the property" of so and so, even as when a sale is made to a native. Such an acquisition has before the law the same weight as a sale, and it is in practice regarded by the Chinese authorities themselves as acquisition of property 3).

II. Common Property

In addition to individual property, Chinese law is also familiar with common property . . . The principal subjects matter of the same are: property held in common by a family, indivisible inheritance, property set aside for the worship of ancestors, society property, cemetery, the property at a commercial house, and a few others (1234, 2441—1915, 598,1144—1914, 1403—1915, 632—1914.) "Co—heirs are joint owners of inherited property which has not yet been divided" (2434—1915). "Property set aside for the worship of ancestors is common propert", the right of ownership of which belongs to a definite line of the family (1771—1915). "Property belonging to a society of natives of the same province is common property", "No individual member of the society has the right to dispose of the society's property at his will" (1403—1915). According to the law, the cemetery bears the character of indivisible property. None of the joint owners thereof has the right to dispose of his share, no matter to what extent the common property may be divided. (1712). While family property has not been divided, property acquired by the head of the family in his own name cannot be regarded, in the absence of corresponding proof, as the personal property of the head of the family (2441—1915). The property of a commercial house also represents common property. (623—1914).

Rights and obligations of joint owners The definition of common property does not demand the actual possession of a thing by all of the joint owners (36—1913). No individual joint owner may act in a manner which would change the character of the common property as such without the sanction of the others (78—1914) with the exception of certain regulations of the law or in accordance with local usages (438—1916). Sanction may be granted by one of the joint owners by proxy (993—1917); sanction may also be granted in succession (978—1917). A joint owner of common property may exercise his proprietary right, without interfering with that of the others, he has the right to dispose of his share in the common property, particularly to donate his share as a gift, and to mortgage the same (2032—1915), (23—1916), without causing loss to the other joint owners (7—1915); each and every one of the joint owners may perform acts which aim at the safeguarding of the common property (135—1913).

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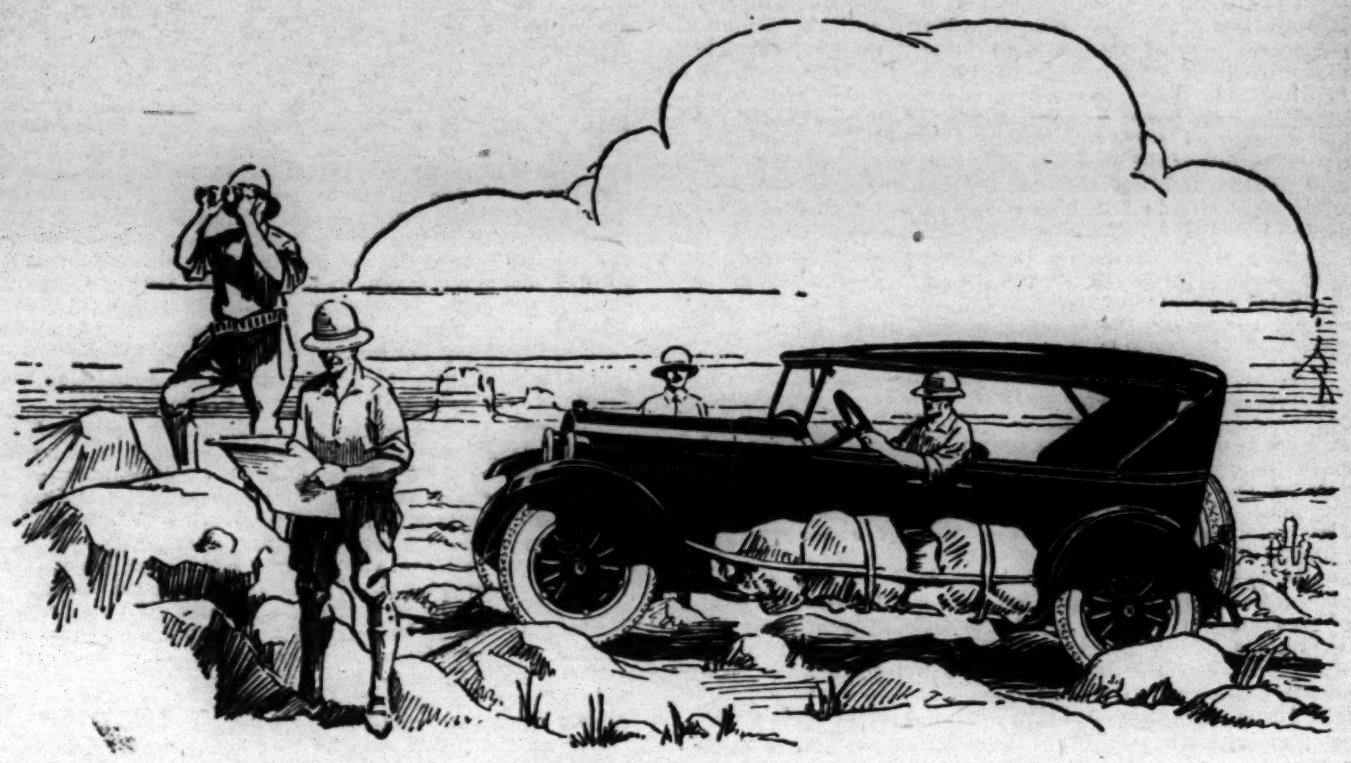
3. In two treaties—that with Russia of February 12, 1881, and with Portugal of December 1, 1887, the purchase of land is permitted.



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The method of administration of the common property is established by agreement between the joint owners, precedents serving as the basis for such agreement, and in the absence of such agreement usages shall be followed (1174—1918). The expenses of administration and other costs shall be borne proportionately by all joint owners, in the absence of other agreements (135—1913). Debts contracted by one of the members of a family as representative of the latter shall be paid from the common family property, while each individual member is liable for his own personal debts (457—1918).

Chinese law recognizes just accrescendi in connection with common property. "In proportion as the shares in undivided property, belonging to one or several of the joint owners disappear, the shares of the other jointowners increase." (1207—1914).

Division. "The joint owners have the right to demand the division of common property at any time, in the absence of an agreement to the contrary." (35—1914). Such division may not be forbidden if there are no serious grounds for such prohibition (74—1917); as a basis for division is taken the cost of the property and the relative value of the shares of the joint owners of this property (892, 1207—1914). The division of common property is effected either through material division of the value thereof, among the others, or, finally, by sale of the property to outsiders and the division of the proceeds from such sale among all of the joint owners; the manner in which the division is performed is determined by an agreement between the parties; in the absence of an agreement, by the court (64—1916). The expenses connected with the division of common property are levied proportionately upon all of the joint owners (64—1916).

Property set aside for the worship of ancestors, is regarded as the common property of a certain line of the family, and belongs to all of the branches of that line; such property should always be preserved, and its purpose can never be changed. However, according to custom, it may be divided and expropriated in case of necessity (for instance, in case of need, and in case of difficulties in connection with the administration thereof), but only on the condition that there be sanction on the part of all of the branches of the family or of their representatives (771, 977—1915); in case one branch refuses to give its sanction for division, the court may give this sanction (1849—1915). Cemetaries, as common property, may be divided only in case of necessity and with the sanction of all of the branches of the family or by force of a court decision (2267—1915).

In addition to the usual private society property (ming-ti), in the form of individual or common ownership of land, which is subject to the payment of land tax, at times with the execution of certain natural obligations and registration in the land register, the Chinese law is also familiar with government ownership of land, and with banner ownership of land.

III. Government Lands (Kuan-ti)

To this class belong: (a) immovables for public service (government administration buildings, temples, forts, etc.), (b) immovables for public use, public lands (roads, bridges), canals), and (c) immovable government property or fiscal property in general (for instance, government lands, also alluvial deposits and ownerless lands). Government land is exempt from taxation and is not entered into the land register [4]).

Banner Lands (Chi-ti)

When China was conquered by the Manchus, the Manchurian princes, military commanders and troops (banners) received in Chihli and other provinces China grants of confiscated and vacant lands. These lands became the property of those to whom they were granted and to their heirs, but could not be given to outsiders. The government did not levy taxes on these lands, but the owners thereof were compelled to do military service. In practice these lands were and are given in leasehold to small farmers. The ban on the disposal of these lands gradually slackened, and a considerable portion of the banner lands, by falling into other hands, came under the classification of ordinary lands.

Limitations of the Right of Ownership

All subjectve civil rights are limited in the interests of public and private ones. Also the right of ownership is limited. The owner is narrowed in the exercise of his rights in the interests of any and all, in the public interests as well as in the interests of individual private persons, principally his neighbors. These limitations are defined by law and are called legal limitations of proprietary rights. Their purpose is to conform the exercise of rights to community life.

4. Since the introduction of the Statute regarding the registration of immovable property, also government lands are subject to entry into the register (See par. 3 of the Statute)

Chinese law also provides for limitations of private ownership in the interests of the public and of private persons.

"In executing works for public use, the government resorts to expropriation"—rules the Supreme Court (2287-1915.) Waters for public use; flowing water is for public use, thus "the owners of land may utilize public waters washing their lands only to the extent to which this use does not interfere with the rights of others" (1004-1917); the basic rule is that all residents of a water front site of land enjoy equal rights to the use of the flowing water; consequently, if one of them uses the water in such a manner as to deprive another of the water required by him, the former must compensate the latter, according to circumstances, so that the injured party may do work permitting him to exercise his right to the use of the water. (195-1917).

In the interests of neighbors, the Supreme Court has noted the following limitations of proprietary rights.

In case anyone erects an edifice on his neighbor's site, and the damage to the latter is insignificant, then he may demand, before the work is completed, the demolition of the edifice or the removal thereof, but in case he signifies his desire to this effect only when the work is completed "he is forbidden, in the interests of public weal, to destroy or to remove the structure," and can only claim compensation for damages sustained (157-1913). The owner of a parcel of land is obliged to receive thereon water running from the neighboring lot of land; he is also forbidden to hinder the flowing of water from an upper lot. In case, however, the construction holding the water on the upper lot is destroyed, and this causes damage to or threatens with damage the lower lot, the owner of the latter has the right to demand from the owner of the upper lot that he repair the structure (1318-1916). The owner of the upper lot is obliged to choose the least dangerous place for draining the water onto the lower lot, and to drain this water in such a manner that it causes the latter a minimum of damage; if thereby the owner of the lower lot suffers damage, the owner of the upper lot is obliged to compensate him for such damage (423-1914).

Acquisition of Proprietary Rights

The methods of acquiring proprietary rights are divided into original, when the right of ownership is acquired independently of a predecessor, and into derivative, when the right of ownership is obtained by right of succession, is transferred from a predecessor (and within the rights of the predecessor). "The right of ownership may be transferred to another person, but the rights of the acquirer may not be wider than those of the predecessor" (1015—1916)—rules the Supreme Court relative to such transfers.

Original methods of acquiring property rights are: occupancy, finding, discovery of treasure, harvesting, augmentation, joining, improvement, ownership of old; *derivative*: agreement and transfer, succession mortis causa (the latter is difined in the law of succession).

Chinese law and legal practice define the following original methods of acquiring proprietary rights.

Occupancy. Occupancy is the acquistion of the rights of ownership over an ownerless thing by means of actual taking possession thereof. Ownerless are called things which have never been owned by anyone, for instance, the fish in the river, the birds in the sky, or those purposely abandoned by owner, for instance, things thrown away. According to the general rule, ownerless things are beyond civil circulation, and become the property of the first person taking possession thereof [5]),

For the sake of encouraging agriculture, which is the basis of China's economy, each person has since ancient times been permitted to occupy waste ground and ownerless lands (wild fields, lands abandoned as a result of war, famine and other causes) for cultivation, and with the condition that he cultivate such lands [6]).

This rule even included government lands. The Tsing Lui Li-declares: "All waste lands in Chihli and other provinces are free to all desirous of improving the soil and to work the same by all means at their disposal. Upon the expiration of the usual term within which such lands are free from taxation, they are entered in the tax register [7]).

With the XX Century the occupation of government lands became more difficult and was replaced by the purchase of the latter at a lowered price, while the

5. Exceptions are the French and Soviet laws, according to which ownerless things are declared the property of the government.

6. In North China such waste lands are found even now, in spite of the density of population; civil wars, epidemics, famine, often serving as causes for temporary abandonment of lands.

7. Ta Tsing Lui Li, Sec. 93, Li I.

occupancy of ownerless lands was permitted under the supervision of the authorities. The colonizer who has found and chosen for himself a parcel of unoccupied land, cannot at the present time simply occupy and cultivate the same, but must make a declaration to the proper authorities of his intention to occupy this parcel of land for cultivation, indicating the location and area of the land. The local authorities then make a search for possible owners of the land, and if within five months nobody lays claim to the said parcel of land, the petitioner is given a document making him the owner thereof, and he is exempted for a certain number of years from taxation[8]).

The title deed is issued when the land comes within the category of taxable lands [9].

The Supreme Court rules with regard to the occupancy of ownerless immovable property: "Notice regarding the occupancy of vacant lands is the legal basis for the acquisition of property; special rules define who has the right to make declarations of occupancy" (780-1914). The Supreme Court, however, considers it necessary that the formulation of such declaration be done through the proper government channels (1166-1915) and reserves the right for the authorities to refuse the official transfer of lands (742-1918) and even to cancel a permit granted in case for speculative purposes large quantities of land are concentrated upon one person (2253-1915.)

With regard to movables, the Supreme Court declares: building materials (stones) from old ruins, old pagodas or walls are regarded as movables, without owner, the right of ownership to which belongs to the first person taking possession thereof (869-1696-1914).

Find. A find is called is the acquisition of movable property the owner of which is unknown. Essential elements of finding are: (1) physical possession of the thing, (2) ignorance of the identity of the owner, (3) the thing must pass from the ownership of the owner (without his will). It is necessary to notify the proper authorities of the find. It is usual that the finder of an object and who returns it to owner is given a reward, for instance, according to German civil law, 5% of the cost of the thing up to 3000 marks, and 1% if the object is valued at more than 300 marks; according to the Swiss civil law the finder is compensated for his outlays and is given proper reward. In case the owner cannot be found (through measures taken by the authorities) the found object becomes the property of the finder.

According to Chinese law, the finder of lost or forgotten property must turn the same over to the local authorities. In case the find is government property, it is held (without reward); private property remains for a period of 30 days with the authorities for demand by the owner; if such owner appears, he is given back one half of the property, while the other half is given to the finder; in case the owner does not appear within 30 days, the entire find becomes the property of the finder.

If the finder does not turn the find over to the authorities within 5 days, he is subject, according to the Tsing law, to punishment corresponding to the value of the find, and according to the laws covering punishment for misappropriation of funds, in which case one half of the find, if this is private property, is returned to the owner, while the other half is credited to the government [10]).

Treasure. Treasure is valuable property hidden in the ground or in a structure, and the owner of which cannot be determined. Thus treasure is: (1) an object of certain value. (2) valuable property hidden (in the ground or in a structure), and (3) hidden since such a long time that the owner of this valuable property cannot be located.

According to the French civil code and German civil law, treasure is divided between the finder of the same and the owner of the land or the thing in which it is found; according to Swiss civil law, treasure belongs to the owner of the land or the thing, while finder receives a reward which must not, however. exceed one half of the value of the treasure.

Ta Tsing Lui Li contains the following regulation relative to this question: In case anyone while digging in private or public land finds objects buried or hidden in the ground, the owner of which may not be located, the finder has the right to acquire the same, with the exception of ancient utensils, bells, sacred vessels, official seals and other

8. At first it was the custom that tax exemption period was extended to as many years as the land had lain uncultivated, and for ever if virgin land was taken up; subsequently swampy land was tax exempt for a period of 6 years, and dry land for a period of 10 years; (91, Li 10) Recently these periods have been shortened.

9. See Ta Tsing Lui Li Sec. 91, Li 10 and supplement 90 Li.

10. See Ta Tsing Lui Li, 91, Li 15.

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special and unusual articles, the possession of which is not customary among the people—all such articles within a period of 30 days from the time when found must be turned over to the authorities under pain of penalty.....

This question is decided differently by the Supreme Court, which applies the laws regarding find to treasure.

"The law in force concerning the acquisition of lost things is applied in accordance with former decisions of the court. Concerning articles hidden in the ancient past, the location of which cannot be determined and which will subsequently be found, to these quite logically will be applied the law relative to lost articles" rules the Supreme Court (292—1914).

Alluvium and Avulsion. Alluvium is the gradual enlargement of the banks of a river as a result of deposits of soil carried by the river. According to general rules, the owner of alluvial land (to the center of the river bed) is the owner of the river bank. Avulsion is the enlargement of the river by the addition and joining thereto of an entire piece of land, which becomes the property of the owner of the strip of land along the river.

According to Chinese law, alluvinm and avulsion are not means of acquiring proprietary rights. Contrary to Roman and European laws, Chinese law does not recognize alluvial land as the property of the owner of the water front. The owner of alluvial land is considered to be the government, and such land comes under the category of public lands. The procedure in these cases is as follows, In case the owner of a water front site notices that by the current of the water part of his land has been washed away, he must notify the local authorities to this effect in order that they may make an investigation and register the fact of diminution in the land register. If, on the contrary, there is augmentation, he must do likewise. In the latter case the owner of the water of the water front site who previously had notified regarding wash off may now take as much of the alluvial land as he previously lost. Additional land is given to owners of adjoining sites who had also previously given notice that part of their land was washed away. The balance was formerly given to the poorest population, but recently it has been put up for public sale (Regulation regarding the Ministry of Finance).

Foreigners should acquaint themselves with this question in order to avoid misunderstandings in certain cases.

The Supreme Court explains: "It follows from the law in force that water front residents have no right to regard alluvial land as their property....." (86—1913).

In another decision it decrees as follows: "According to the law, the division between water front residents of alluvial lands, formed after the washing off by the river of land, should be effected in proportion to the quantity of land carried away by the river from each of the residents, while surplus alluvial land belongs to the government and is part of the governmental land fund. Similarly, the government is also the owner of all those alluvial lands the formation of which was not subsequent to the washing off of sites belonging to water front residents" (1195—1914). Thus the Supreme Court recognizes the ownership by water front residents of alluvial land not according to augmentation, but in accordance with the Tsiag code, as the equivalent of land lost by them. In case there was no such loss (wash away) or in case there is a surplus after losses have been compensated for, the alluvial land or the surplus there of be- to the governmenut. However, the Supreme Court decides that the government is not ipse jure owner of such lands, but must express its relation thereto in each separate instance." Although the text of the law in force reads that the government acquires proprietary rights (ownership) over alluvial lands, this can only follow as the result of administrative measures, taken with regard to persons who by force have taken possession of such lands. The Court, however, cannot base itself upon this text when formulating its decree that parcels of alluvial lands belong to the government without awaiting measures of any kind on the part of the administrative organs representing the government (77—1916). This decision contains a certain contradiction to previous decisions. From the point of view of this decision, alluvial lands are in a way ownerless property until the organs of the authorities have taken measures for their appropriation. On the other hand, also ownerless lands, as we have seen above, are regarded in principle as government property.

Further, the Supreme Court demands notice of the washing away of land with proof submitted thereof, if the owner of the water front only is in the position of giving such notice, or taking action equivalent thereto (855, 2408—1915). Alluvial land is first of all divided between water front owners, the sites of whom were subjected to wash away, even if the alluvial land is not located where was located the land which was washed away (1072—1918. Besides, the Supreme Court points out that if the residents of the water front made the announcement demanded by law regarding wash away, they may receive also surplus alluvial land (1070—1918) According to the law, such surplus may be divided among the poorest population[11].)

An island formed in the middle of the river is also regarded as government property. Every island suddenly forming in the middle of the Kiang river, and every parcel of land appearing in any small canal, but not within the boundaries of disappearing land, becomes the property of the government. The authorities invite the people and owners to petition for the purchase, but does not permit the seizure of all of it by one person.

Construction. A permanent structure is regarded by the doctrine of law as an integral part (or property) of a parcel of land, i. e. as the property of the owner of the land (Superficies solo cedit). The statute is also not changed in case the structure is built by the owner of the land from foreign materials or by the owner of the material on foreign land. In the first case the owner of the land must compensate the owner of the material according to the loss suffered by the latter; in the second case the owner of the land must compensate the owner of the material according to the value of the latter.

Chinese law regards the matter otherwise. It regards buildings as immovable property independently of the land, the proprietary rights to which may belong to another person.

"Land and buildings are immovable properties, distinct one from the other"—decrees the Supreme Court (Decision of the 3rd year, No. 892). In other words, it expresses this meaning as follows; "Lands and houses should be regarded as independent properties. Thus, if one of the owners of land builds a house upon this land, this house will belong exclusively to the one who built it, and cannot possibly be regarded as common property." (892—1914).

Augmentation of Immovable by Movable Property

At the same time Chinese judicial practice recognizes the augmentation of movable property by movable property in general, and decides this question on the whole in accordance with European jurisprudence.

"If movable property when joined to immovable property forms an inseparable part of the latter, the owner of the immovable property, naturally, acquires the right of ownership to such movable property. However, if the joining of the movable property to the immovable property is effected by virtue of a certain right, the owner of the movable property may reserve for himself the right of ownership to the given movable property" (12/1923—894).

Duration of Possession. Duration of possession means the actual possession of a thing, accompanied by the intention to become the owner thereof, which with the observance of certain conditions and upon the expiration of a certain period becomes the right of ownership.

So, according to par. 937 of the German civil law, whoever for a period of 10 years has had in his possession a certain movable object as his property, acquires the right of ownership thereto (for immovables the duration period is 30 years). According to par. 728 of the Swiss civil law, whoever has conscientiously had in his possession a foreign object (movable) with the rights of an owner quietly and uninterruptedly for a period of 5 years, becomes the owner by duration of possession of the object in question (for immovables the duration period is 10 and 30 years).

Chinese law does not recognize duration of possession as a general institution for acquiring proprietorship.

The Supreme Court speaks as follows with regard to this question: "Our law in force contains no general provision regarding private duration of possession with the exception of special laws and regulations referring to separate (private) cases of duration" (877—1914). "The law in force contains no formal regulations regarding duration of possession. The regulations of the project of a civil code, which refer to acquisitory duration—relative to property—and to interrupted duration relative to the rights of inherited property, are not applicable" (472—1914). As an exception to the quoted general regulation serves, for instance, according to the opinion of the Supreme Court, the 20 year period for the purchase of mortgaged property in Mukden Province (322—1915).

The derivative means of acquiring the right of ownership between living persons is a juridical instrument, usually a contract (agreement concerning the transfer of the right of ownership). However, even the Romans considered a simple agreement insufficient for the transfer of the right of

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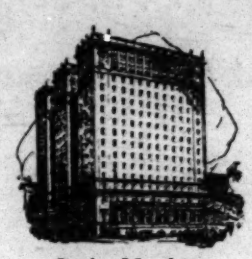

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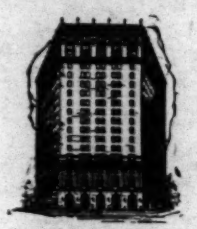

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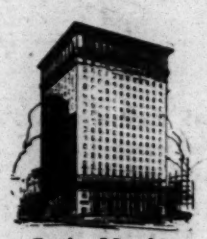

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ownership, and demanded, besides, also the transfer of the things into actual possession. Thus transfer (traditio) is a delivery of a thing with the intention of transferring the right of ownership, based upon an agreement between the parties. Transfer (traditio) takes place when the right of ownership is changed in connection with movable things, while in the case of immovables it is replaced by a system of strengthening of patrimonial rights.

Modern laws are familiar with both systems of transfer of the right of ownership: traditio and contract. Thus, according to the French system (France, Italy), the right of ownership to movables is transferred by means of an agreement; similarly also in the case of immovables a record of the parties in the hypothecation register gives the transfer of the right of ownership of imovables a public character, and makes such transfer binding also upon third parties; according to the German system (Austria, Germany, Switzerland) the right of ownership to movables is transferred by means of traditio, to immovables by a record of the transfer in the hypothecation register.

Originally and at the same time, it appears to us, more expediently was this question decided by the civil cessation department of the Senate, which declared that the moment of transfer of the right of ownership is determined in regard to things by individual agreement, in regard to patrimonial things by delivery. This point of view is also included in the civil code of the U. S. S. R. (Bt. 60).

Chinese law, ignorant of juridical formalism, is satisfied with a simple ageement, but, at the same time, familiarity with European law has also here had a certain amount of influence upon judicial practice and introduced a certain element of duplicity.

So, for instance, in its 1817—1915 the Supreme Court quite definitely decrees that "a contract of sale of immovable property carries its effect on the strength of its being an agreement between the parties thereto, but the written form is not an essential condition."[1]) "The actual delivery of immovable property is not an essential condition for establishing an act of giving with legal force which would have for its object this property" (12—1916.) As a rule, in practice, the transfer of the right of ownership of immovable property is accompanied by the delivery to the new acquirer by the former of the title deed, but even this is not essential. (1349—1915, 142—1914). From this point of view, in case the owner sold his immovable property twice, the second contract carries no real effect, but creates merely obligatory relations (2259—1915). In case, however, on the strength of the first contract, there were created only obligatory relations, but on the strength of the other, proprietary, then the second contract is binding. (10/1921—704)[12]).

With the introduction of the statute regarding registration of immovable property, the situation with regard to the parties did not change in effect, inasmuch as registration, according to St. 5, has for its object the making of the agreement binding on a third party, with regard to whom only registration makes the transaction binding in connection with the transfer of immovables (the trench system).

So far as movables are concerned, a simple agreement is entirely sufficient for the transfer of proprietary rights. This is confirmed by a number of decisions of the Supreme Court (1049, 1190-1914). However, in its decision of 11/1922, No. 426, the Supreme Court decrees: "when the object of a purchase or sale is no definite thing, the risk is as a rule placed upon the party assuming an obligation. For this reason he is not exempted from the obligations assumed even if the object prepared for the transaction were to be destroyed by some calamities of the elements". Thus it follows from this that the right of ownership to a patrimonial object is not transferred by means of an agreement, but there is also demanded delivery, which in this case brings close together Chinese and Russian judicial practice.

Acquisition of Movables from Non-owner.

The Romans held strictly to the rule that nobody can deliver to another greater rights than he owns himself. Therefore, a person not having the right of ownership cannot transfer such right. Consequently, the owner may vindicate his property against every owner (or the successors to his right) to whom he has not transferred his rights of ownership. On the contrary, in the private German law another regulation was worked out: in case the owner was deprived of an object against his will (the object was stolen, lost, etc.), he may remove it from any possessor thereof, in case, however, the owner himself delivered to anyone an object, even if not to own, for instance for safekeeping, for rental, etc., then every conscientious acquirer from such possessor (and his successors) retains right of ownership thereto.

12. In decisions 813—1917 and others a written form for transfer of property to immovables is demanded.

Modern law approaches not the Roman but the German point of view. The requirements of civil intercourse force it thereto. When it is impossible to determine the actual owner and the proper transfers of movables from hand to hand in modern civil intercourse—strict vindication would create a constant danger of the removal of things, and it would undermine the firmness and stability of intercourse. The latter is also achieved by the circumstance that the conscientious acquirer of movables is considered the rightful owner, in case only the object did not pass from the possession of its owner against his will, for instance through theft, deceit or loss (compare par 2279, 2210 French Civil Code, par. 1006 and 1007 of German Civil Law, par. 933, 934 Swiss Civil Law).

Chinese law mantains on this question a strictly individualistic point of view, similarly to Roman law. In its decision 1015-1916 the Supreme Court states: "the right of ownership may be transferred to another person, but the rights of the vendor cannot be broader than those of the prior holder". In decision 8/1919 No. 952 it is stated: "independently of to whom finally an object falls after having passed from hand to hand, it is permissible to determine by the owner its location and his rights thereto, and this is called the right of inquest. In decision 127-1917 it is stated: in case a person who has received from another person an object only for safekeeping disposes of the same without the permission of the owner, this act of disposal has no effects in the matter of transfer of rights of ownership" (compare 460-1917).

Thus neither the law nor Chinese judicial practice recognizes the acquisition of an object from nonowner, even if the latter possessed the object on legal grounds and the acquirer acted bona fide. If to this is added that Chinese civil law is not familiar with the duration of possession as an act of acquiring ownership rights, the situation becomes even more acute, and developed civil intercourse can hardly be satisfied with such a situation, and it will undoubtedly become necessary for the Supreme Court to soften its rigor.

The signs of such softening of the opinion of the Supreme Court are already in evidence. In a very exactly motivated decision, 12-1923-1897, on a concrete question (regarding the mortgaging of objects borrowed) there is noticed a reversal in the opinion of the Supreme Court. The Supreme Court, after considering two theories in connection with the question, absolute and relative, states: "let us admit that at the present time the usual residents hold strictly to the ideas of the right of ownership, however, if in connection with public progress and the rapid complication of economic relations we do not remove those shortcomings which exist in the formerly practiced absolute preservation of the right of ownership and which under certain conditions actually do not guard owners, it will lead to the breaking up of the order of economic relations and public repose". Permitting the restitution of the property with the payment of the cost of the mortgage—the Supreme Court further argues—causes loss to the owner, but he is guilty in that he did not choose an honest lessee; permitting the restitution of the property without paying the amount of the mortgage causes loss to the well intentioned loan giver. The latter evil is greater than the first, and of the two evils the lesser should be chosen. For this reason, the Supreme Court admitted, that the owner may demand from the loan giver his object which was pawned by the lessee, only upon the payment of the amount of the loan.

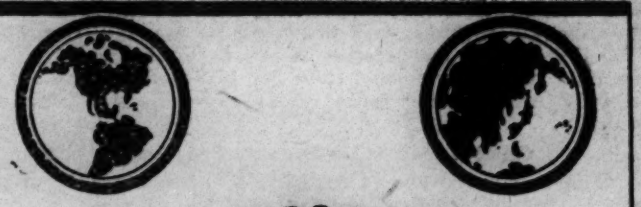
A further step logically follow from this—the recognition of the right of ownership by a conscientious acquirer of an object from non-owner. If the Supreme Court wishes to be consistent in its new and very expedient views, it must take this step.

Cessation of the Right of Ownership.

The right of ownership by one owner ceases through many of those means by which it is acquired by another person, for instance, through a deed of transfer, duration of possession, etc. There exist, however, also independent means of discontinuing the right of ownership, for instance, the physical destruction of the object, i. e. the loss of the object, or juridical, i. e. its elimination from civil circulation, renouncement by owner, expropriation of the object, confiscation, court decision. All of the mentioned independent means of discontinuing the right of ownership are known also to the Chinese law in force. The following should particularly be noted.

Abandonment of Possession (derelictio)

As a consequence of wars, floods, famine and similar causes, at times entire districts in China are abandoned by their inhabitants, and the land, as vacant land, becomes the property of the government. As has been mentioned above, anyone desirous of acquiring and of working such vacant land, must give notice thereof to the authorities, indicating



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Confiscation of Immovable Property

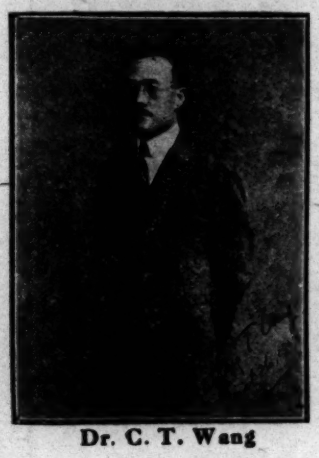
Chinese law recognizes confiscation of immovable property for non-payment of land tax, neglect fo make notice of sale, and a few other reasons. Similarly, according to the decree of 1898, subject to confiscation are institutions of religious bodies and lands belonging to the same, not officially registered (properties of unregistered Buddhist and Taoist monasteries).

Expropriation of Immovable Property

Expropriation, or the forcible taking from private owner of his property for governmental or public use, was not known to Chinese law as a general law, and was permitted on extraordinary occasions through special decrees. As a widespread phenomenon, requiring special legislation, forcible deprivation of property has appeared only lately under the influence of new requirements and European law. The construction within the past decades of railways with the aid, principally, of foreign capital, necessitated wide confiscations of privately owned lands. However, even up to the present time no general standards have been promulgated. The question is left to the decision of local authorities.

Dr. C. T. Wang Returnes to Peking

Dr. Wang Chen-ting (C. T. Wang), former premier and minister of foreign affairs under the Kuominchun government and active in political life in China for many years, has returned to Tientsin after an extensive visit in Shanghai which chiefly was devoted to business affairs. Although Dr. Wang's visit to Shanghai was said to have been of no particular political significance, it was reported that he held several important conferences here with representatives of Marshal Sun Chuan-fang, commander-in-chief of the five southeastern provinces of Kiangsu, Chekiang, Anhwei, Kiangsi and Fukien and also with members of the Kuomintang. While in Shanghai Dr. Wang made his home in his residence at No. 90 Rue Admiral Corbett. Mrs. Wang accompanied her husband to the North.



Dr. C. T. Wang

Famine Relief Commission Issues Report

The last year has seen the greatest growth of the China national Famine Relief Commission since the organization's establishment, according to the Annual Report for 1925 which has just been published. The number of Provincial Committees has increased from ten to thirteen and the main features of the Commission's program has been extended during the year under review. The engineering projects completed in 1925 have demonstrated the value of flood prevention work. The Rural Credit Societies now number forty-four to which a total of $20,000 has been loaned. It is interesting to learn that thus far not a single loan from the Commission has been defaulted, although there are some 1,500 members of the societies most of whom have obtained financial aid. As to the general situation in the provinces the report states:

"The year closes with an outlook which is far from encouraging from the point of view of prosperity in the provinces. There has been a drought in the Central China Provinces particularly in Hupeh, Hunan, Szechuan, Kweichow and Yunnan, and the breaks in the main south dyke of the Yellow River have not yet been repaired. The country is torn from end to end by civil strife which has the effect of agravating the bad conditions. The transportation system is constantly being dislocated by the movement of troops and military supplies thereby making the free circulation of foodstuff difficult. Added to all this the military leaders are improvising ever fresh devices to tax the people. The accumulated effect of all these evils is to lay the foundation for severe famine."

Constitutional Defense League Explains Its Achievements at Meeting

Approximately 400 people attended a meeting of the Constitutional Defense League held last Wednesday, June 30, at the Carlton Theater, Shanghai, when the enthusiasm displayed demonstrated the popularity of the movement. The meeting had been called because of numerous requests received for an explanation of its achievements since it was inaugurated some months ago.

L. M. ff. Beytagh presided at the meeting and was supported on the platform by R. N. Swann (Secretary of the League), B. Firth, M. Chapeaux, Carl Crow, Capt. R. Synnerberg, J. R. Jones, A. de C. Sowerby, R. A. Kreulen, Allen Chao, K. Takaiwa, G. Miyazaki, M. Brault, W. Blenk and W. Borschy.

League Needed More Than Ever

Mr. Beytagh, in his speech, declared there never has existed a greater traffic of Communist agents throughout China and that the need for an organization as the League was more urgent than many realize. He pointed out the growing tendency in England to deport all Bolshevist agitators and expressed the hope that all countries, including China, would soon take similar measures. He stated that the League was now in direct contact with centers in Japan, Hongkong, the Straits Settlements, Sorabaya, Bandoeng, Batavia, Saigon, Geneva, Rome, New York and London and considerable progress has been made in developing branches in the principal ports of China. He further stated that the activities of the Bolshevists working around Shanghai are known to the League, and that of them, some 70 per cent are Chinese and the remaining 30 per cent are foreigners. There are 300 Chinese students under Bolshevist teachers in Moscow who will return soon to spread the Soviet doctrine.

The speaker pointed out that the League was interesting the Chinese on the subject, and displayed a pile of letters from Chinese in all walks of life as proof of his assertion.

The Chairman was followed by Mr. Allen Chao, who has filled many important positions and at present is an advisor to the Ministry of Agriculture and Commerce. He elivened his remarks with much native humor and, judged by their reception, he created a great impression, the Chairman subsequently declaring that the speech was the beginning and end of Bolshevism in China.

Bolshevism Failed 5,000 Years Ago

In the course of his speech, Mr. Chao said that Bolshevism was tried in China 5,000 years ago and failed; that it will not succeed now and that it would never succeed in the future.

"The population of China was not 4,000,000,000 but 600-000,000, more than half of whom are uneducated," the speaker said, "Within the last few years, Communist agents had paid many hot-headed students and teachers to go around the ports, such as Shanghai, Hankow, and Tientsin, and the interior, and these so-called patriotic ladies and gentlemen were pouring their fancy words into the ears of the ignorant." He urged the necessity of financial support of the League and concluded his remarks by stating that if the Reds obtained control of China they would "first eat up China and then you people next."

Mr. K. Takaiwa (Japanese), M. Brault (French), and Carl Crow (American) spoke briefly, each mentioning the whole-hearted support already accorded to the League by their respective nationals and appealing for still more assistance. Mr. Francis Zia, editor of the *China Tribune*, asked whether the League had done anything to sum up the aims of the Communists in order that the term may be intelligently understood by all people.

The Chairman replied that a careful study had been made along these lines and that information could be obtained by anyone who cared to make inquiries at the League's office.

Dr. E. J. Anderson, who has been connected with the educational department of Shanghai College, has been appointed principal of the Shanghai American School, according to announcement of the directors last week. Mr. Anderson is a graduate of Drake University and was a member of Phi Beta Kappa. He took his masters degree at Cornell and received his doctors degree at Chicago. He has been especially active in musical education. He will take up his duties at the American School in September and will reside in the Principal's house.

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KIANGWAN ROAD—SHANGHAI

Men and Events

R. C. Mackay, manager of Gillespie and Sons of Hankow departed this week on a business trip to New York.

Sir Francis Aglen, inspector general of the Chinese Maritime Customs, has departed for England for a brief business trip.

The Rev. C. M. Drury, pastor of Community Church, Shanghai, departed on July 7 for Japan to visit his sister. He will be absent from Shanghai for about five weeks.

The Chinese Government wireless station at Woosung, near Shanghai, is planning shortly to open a business office in Shanghai to facilitate the sending of commercial radio messages.

J. M. House, who has been business manager of the American School since 1921, has retired from this position. He expects to remain in Shanghai, but has not yet decided upon his future work.

E. A. Nottingham, publisher of the *Shanghai Times*, departed this week on a four months vacation. He was accompanied by Mrs. Nottingham and they are planning to spend their vacation in Honolulu and California.

The engagement of Miss Virginia E. Bier of Wheeling, West Virginia and Harold A. Janes of New Haven, Conn., was announced in Shanghai last week. Mr. Janes is U. S. Etymologist in China. The wedding will take place in September.

Miss Anna Jonsson, for the past 24 years connected with the Swedish Mission at Ichang, Szechuen Province, died recently at Ichang. She was 57 years of age. The funeral services were conducted by the Rev. O. Fransen and the Rev. G. Tonner.

Prof. C. L. Boynton, who has been principal of the Shanghai American School, departed this week on a six months furlough which he hopes to spend at his home in Los Angeles. Upon his return to China Prof. Boynton will be connected with the National Christian Council in Shanghai.

E. T. Ware, representative of the Liggett and Myers Tobacco Company, said to be the only foreigner who has penetrated the Kuominchun lines at Nankow, in an interview in the *North China Star* on June 27 declared that in his opinion the Chihli-Fengtien forces would not be able to dislodge the Christian General's forces from Nankow. Mr. Ware is stationed at Kalgan.

At a meeting of creditors of the Oriental Commercial Bank held in Shanghai on June 30 it was announced that the general liabilities were $74,000 and the assets $174,000. The failure of the Shanghai branch was due, according to the announcement, to a run on a branch located in Havana, Cuba. The Oriental Commercial Bank, although entirely Chinese owned, was incorporated in Hongkong.

Congressman and Mrs. Stewart Appleby of Washington, D. C., are expected in Shanghai on July 16 as passengers on the U. S. Navy Transport, Chaumont, according to a cablegram received last week by E. S. Cunningham, American Consul-General. Congressman Appleby was elected on November 3, 1925, in the third New Jersey district to succeed T. Frank Appleby, who died December 13, 1924.

The Rt. Rev. L. H. Roots, Bishop of Hankow, is departing shortly on a visit to the diocesse of Labuan and Sarawak, North Bornee, Singaport, Federated Malay States and the Philippine Islands. At Hongkong Bishop Roots will be joined by Rev. Lee Lau-yan, priest-in-charge of St. Stephen's Parish and his secretary on the trip will be J. P. Oriente Yang of St. Paul's Divinity School, Boone University, Wuchang.

The Trade Bureau of the Japanese Foreign Office, Tokyo, has announced that the number of Japanese residing in China increased from 45,259 to 47,612 between the end of 1924 and October 1, 1925, and the number of Japanese residing in Manchuria increased from 179, 484 to 184,528 during the same period. The total number of Japanese residing abroad on October 1, 1925, was placed at approximately 620,000.

"Students Riot at Ohio University," was the heading over a picture published in one of the Shanghai newspapers last week that attracted considerable attention in Chinese student circles. The "riot" among the students at Ohio State University, however, had nothing to do with American national or international politics. It was a fight between freshmen and sophomores resulting from the annual ducking of freshmen in the campus lake.

Howard D. Fuller an unemployed American was fined G.$100 and sentenced to days in jail on July 6 by U. S. Court Commissioner Lurton, for throwing a brick through a shop window on Broadway. Fuller explained in court that he

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wanted to return to America and having no funds for a steamship ticket, decided that he would break the window in the hope of being sent home at Government expense.

The Chung-Hwa College of Law has just been opened at No. 132 Seymour Road, Shanghai, in the premises formerly occupied by Shanghai University. Chow Lu, member of the conservative branch of the Kuomintang and former head of Canton University, will be head of the new instititon. Shanghai University, which formerly occupied these promises was closed by the Municipal authorities last year on the grounds that the school was propagating communism in China.

E. J. Harris, manager at Tientsin for Liggett and Myers Tobacco Company, was married on June 26 to Miss Robin L. Smith, the wedding taking place in Peking. Miss Smith is a daughter of Mrs. Troy P. Smith of Parkersburg, West Virginia. Miss Smith for the past two years has been a member of the faculty of the Peking American School. Mr. Harris came to China four years ago from Salisbury, North Carolina and has been stationed at Amoy, Canton, Chinwantao and Peking.

D. H. Lawson, formerly advertising and business manager of *The China Press*, Shanghai, is on his way back to the Orient and according to a recent letter will arrive in Tokyo on July 16. Since returning to the United States Mr. Lawson has been general manager of the *Morning Sun* at Long Beach, Cal. Prior to coming to Shanghai Mr. Lawson was business manager of the *Bulletin* at Manila and before that with the *Kansas City Star*, *Saturday Evening Post* and other publications.

Sir Sidney Barton, K.B.E., C.M.G., H.M. Consul-General at Shanghai, was the recipient of congratulations last Saturday, July 3, from every section of Shanghai on the King's bestowal upon him of a Knighthood of the Order of the British Empire. At the reception given last Saturday at the American Club in connection with the fourth of July celebrations, Mr. Cunningham took occasion to congratulate Sir Sidney on behalf of the entire American community for the honor bestowed upon him.

Linton Wells, another American who is attempting to encircle the world in record time, sailed last week on the *Empress of Asia* from Yokohama and if he makes his schedule will reach New York on July 12 having successfully circled the globe in 27 days, a record time for the trip. The Japanese *Toho* news agency in reporting the incident stated that Mr. Wells will make another attempt next year to beat his own record and will try to circle the globe in "20 hours." It is presumed that the news agency meant "20 days."

Chu Yi-chih, proprietor of a drug and chemical concern in the native city of Shanghai, was, according to a report in the Chinese press, executed upon the orders of Marshal Sun Chuan-fang, a few days ago on the grounds of complicity in drug smuggling enterprises. Chu was formerly an official in Hunan province. According to the report Chu was implicated in a scheme to smuggle a large quantity of drugs into China from Germany two years ago, a case that recently was aired at the opium conference at the League of Nations.

Capt. Robert Dollar, head of the Dollar interests, performed the ceremony of laying the corner-stone of the new foreign Y. M. C. A. Building on Bubbling Well Road, Shanghai, on Monday, July 5. Capt. Dollar was also guest of honor at a luncheon given by the members of the Union Club of China on Monday. On Tuesday, July 6, Capt. and Mrs. Dollar accompanied by O. G. Steen, manager of the Far Eastern interests of the Dollar Company departed for Tientsin and Peking. Following an inspection of the Company's interests in North China they will proceed to Hankow and then return to Shanghai for several days visit before proceeding on a trip around the world.

Questions dealing with the bonding facilities in Shanghai are taken up in a circular letter issued last week by the American Chamber of Commerce to its members, who are requested to state in writing their views to the Secretary. In that the bonding regulations of Shanghai do not appear to entirely cover the present day requirements the Chamber has certain suggestions for approval. It is proposed to extend the time for the importation of cargo from 15 days to not under 25 days from the time of clearance. It is also suggested that the period for removal of cargo from Bonded godown, after it is released by the Customs, be increased from 48 to 96 hours. Other matters taken up are the Bonding of Cargo; Bonding of kerosene oil, etc; and transhipment cargo destined to foreign ports on through Bill of Lading.

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The Week in the Far East

The reports this week of a general offensive against the Kuominchun by Marshals Wu Pei-fu and Chang Tso-lin seem to indicate that the brief interview which the two warlords had in Peking last week resulted in a plan for some sort of concerted action. It is quite possible that political questions were untouched at this conference, which lasted for only twenty minutes. However, the Preliminary Conference held in Tientsin between representatives of the two Marshals undoubtedly settled many problems of a political nature.

The general offensive is reported to have been launched on Monday of this week, July 5. The Mukden troops are supposed to be responsible for an attack upon Dolonor, the Shantung troops are said to be advancing towards Nankow Pass, while the Chihli men are pressing upon Huailai and Kalgan. While it is quite possible that the two former rivals are really getting together to completely eliminate the Kuominchun "Red" menace as a factor in Chinese politics, there can be no doubt but that both Wu Pei-fu and Chang Tso-lin are keeping a close watch on each other's movements. It is generally believed that the protracted meeting between the two Marshals was only caused by each having suspicions of the other's real motives.

The Two Positions

In both military strength in the immediate vicinity of Peking and in solidity of backing, Marshal Chang Tso-lin is in a much better position than Marshal Wu. In fact, as things are, Marshal Chang is so situated that if he chooses he can dictate absolutely what is to be done in Peking, what sort of Government is to be set up, etc.

It is impossible to say just how many soldiers each of the two men has in the immediate Peking area. Estimates put Marshal Chang's forces—including the 30,000 or so that have come up during the past week—at close to 100,000 while Marshal Wu probably does not have more than 25,000 or 30,000 within easily get-at-able distance. The Chief of Police and the Garrison Commander are both Wu men, though their forces are distinct from those of Marshal Wu. The police and the gendarmes are far outnumbered by the Fengtien soldiers, however.

Marshal Chang's position in Manchuria is quite secure For the moment, too, he has the reasonably loyal support of Generals Chang Tsung-chang (Tupan of Shantung), Chu Yu-pu (Tupan of Chihli) and Li Ching-lin. This gives him the fairly solid backing of the military forces in Shantung and northward, with control of Chihli province as far west as the Capital. Marshal Wu, on the other hand, has no very solid backing anywhere, General Sun Chuan-fang, in control of the lower Yangtze, is nominally working with him, but there are persistent reports that General Sun's loyalty is somewhat lukewarm. Marshal Wu's hold on Hupeh and Hunan is none too secure, and several of the men in the Peking area who were nominally under him were involved in the recent scheme to switch over to the Kuominchun—the scheme which was checked by the dismissal of General Chin Yun-ao from his command.

While neither of the two men has very active popular support, Marshal Wu stands much higher in personal popularity than Marshal Chang. On the whole, too, Marshal Wu's troops have been better behaved than those of which Marshal Chang is supposed to be the commander-in-chief. It is this personal prestige rather than any military power which puts Marshal Wu in a position to talk on terms of more or less equality with Marshal Chang.

There also is the possibility—perhaps the probability—that both men realize the necessity, from a purely selfish point of view, of maintaning at least the semblance of amicable relations. This may prevent any open break, in spite of the many possible causes of disagreement.

Hongkong-Canton Strike Negotiations

The texts of the correspondence between Hongkong and Canton aiming at the settlement of the strike and boycott have been published by the Commissioner of Foreign Affairs of the Canton Government. On June 6, Canton wrote to Hongkong proposing negotiations and suggesting that three representatives of each party be appointed with plenipotentiary powers. On June 16 the British Consul-General at Canton replied saying that the Hongkong Government could not, under British Government rules, deal directly with any foreign government, but that three delegates to negotiate has been appointed, one being the Consul-General himself. One June 22 Canton replied to this note asking whether, in the proposed negotiations, the Canton delegates would be dealing with representatives of the Hongkong Government

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or of the British Government. No reply to this note has as yet been reported. Canton's questions puts the Hongkong Government in a difficult position. It cannot negotiate with a foreign government and if the Hongkong delegates are acting for the British Government, their entering into negotiations will constitute diplomatic recognition of Canton as a separate and independent Government.

Strawn Denies Departure Rumors

"I am not planning to leave as stated, and reports to that effect are unauthorized and without foundation," stated Silas H. Strawn last week in an interview with the *United Press*. Mr. Strawn is America's chief delegate to the Peking Tariff Conference and he is also a delegate on the International Commission on Extraterritoriality. Mr. Strawn stated that the Tariff Conference was interrupted by the Chief Executive being compelled to leave Peking. "With regard to the Washington Treaty surtaxes, the Powers other than China are in accord with regard to major points, and agreements have been reached tentatively among the Delegations. These agreements have not yet received the approval of certain of the foreign Governments." Mr. Strawn also stated that the American delegates to the Extrality Commission were now engaged in the preparation of a report which will necessarily be in the form of a confidential communication to the Governments of the respective commissioners.

Tokyo newspapers regard the Tariff Conference as a failure and according to *Reuters*, they are devoting much space as to the causes of the disruption that has characterized the Conference recently.

Three Causes For Tariff Conference Failure

Three causes mainly are blamed; first, the Chinese chaos; second, the attempt of the Powers, according to the papers, to hold up their own claims too stubbornly; thirdly, Japan's attempt to exceed the scope originally contemplated, instead of in the opinion of the paper, co-operating with the other foreign delegations for the adoption of the Washington Treaty decision regarding surtaxes.

In connection with the reports appearing in the Tokyo press that the Tariff Conference had failed, Marshal Wu Pei-fu, in an interview with the *Toho News Agency* is stated to have said: "I am given to understand that the communique issued by the foreign delegates to the Tariff Conference announcing their decision to close the conference for summer holidays implies the indefinite suspension of the conference which is a question of life or death for the people of China. The fact that the powers have come to take this move at this juncture when the communist elements are about to be annihalated and the establishment of a legal government is within sight cannot but make me suspect their sincerity. I am firmly detirmined to dismiss C.T. Wang, Huang Fu and Yang Yung-tai from their posts of Chinese delegates to the Tariff Conference within the next two weeks, and, at the sames time, to appoint a new delegation with Dr. W.W. Yen as its central figure in order that the conference may be continued on the basis of the agenda already discussed.

"By my so doing, the Powers will have no excuse and the reopening of the Conference is possible. If the Powers should make another excuse and refuse to keep the Conference even then, I cannot help *declaring China's Customs autonomy forthwith.*"

From the Chinese Press

Tsinan, Shantung, June 29.—A brigade of troops under General Chen Kuo-jui, marched on foot to Tsingtao, leaving this city today.

Peking, June 29.—Prior to his departure from Peking, Marshal Chang Tso-lin held a conference with representatives of the Chamber of Commerce and the Bankers Association and agreed to discontinue further circulation of unsecured military notes. General Chang Chung-chang of Shantung has agreed to withdraw his notes circulated here.

Hankow, June 30.—The German steamer Reinland which collided with a Japanese steamer on the Yangtsze below Hankow is a total loss.

Peking, June 30.—According to the Japanese Toho Agency, the interview between Marshals Wu Pei-fu and Chang Tso-lin dealt chiefly with the raising and distribution of military funds and that the matter of working out a coalition government is to be left to their followers.

Peking, June 30.—Marshal Chang Tso-lin, prior to his departure from the Capital notified the Chinese Chamber of Commerce and Bankers Association that he would suspend the issuance of military notes in the Peking district.

Hankow, June 30.—Three brigades of troops under General Tung Chen-kuo are to be used by the Wu Pei-fu forces in Hunan.

Hankow, June 30.—A grand reception and dinner party organized by local gentry and military men was given tonight for the purpose of welcoming General Chao Heng-ti back to Hunan.

Tokyo, June 30.—The Sino-Japanese Art Exhibition which has been held here for several days, was closed today. Some 126 pictures were sold of which number 116 were Chinese paintings. Of the Chinese works sold four were purchased by the Imperial Household, nine by the foreign office, two by Prince Kuni and one by Prince Higashi Fushimi.

Peking, July 1.—It is reported that another effort is to be made to resume through passenger and freight traffic on the Tientsin—Pukow Railway on July 8, the report stating that the agreement of Marshal Sun Chuan-fang has been obtained.

Pengpu, Anhwei Province, July 1.—Marshal Sun Chuan-fang, commander in chief of the five south-eastern provinces, arrived here today and is making headquarters with General Chen Tiao-yuan of Anhwei. It is reported that Marshal Sun will leave here for Haichow for the purpose of inspecting the troops of General Bei Bao-san. He will also stop at Hsuchowfu for the purpose of reviewing the troops of General Chen Yi.

Peking, July 1.—The members of the old parliament now in Peking were informed by Admiral Tu Shih-kuei, acting premier, that Marshals Chang Tso-lin and Wu Pei-fu did not discuss at all the matter of reconvoking parliament at their recent interview in Peking.

Peking, July 1.—The troops formerly under General Li Ching-lin have been reapportioned among the Fengtien troops and will shortly be moved in the direction of Nankow for the purpose of attacking the Kuominchun.

Shanghai, July 1.—The Chinese General Chamber of Commerce has received a telegram from the Ministry of Finance denying the report that the British-American Tobacco Company had offered a loan of $3,000,000 on the security of the tobacco tax.

Shanghai, July 1.—Local Chinese banks report a normal business for the past year, but explain in their reports that the export of $10,000,000 to Siam for the purchase of rice has caused a stringency in the local silver market.

Hankow, July 1.—The Federation of Chinese Commercial Unions has issued a protest against the recent order of the provincial authorities, that the likin tax must be paid in silver instead of copper.

Peking, July 1.—The Kuominchun forces in expectation of an attack on the part of the Chihli-Fengtien forces, have withdrawn and strengthened their position at Nankow.

Tokyo, July 1.—Owing to the impossibility of reaching an agreement on the matter of the Japanese-Soviet fisheries question, it is reported that the Japanese delegates are shortly to be withdrawn.

Hankow, July 1.—General Chao Heng-ti, former civil-governor of Hunan telegraphed all public organizations in Hunan today that he expected to return to Changsha within three days. He also sent a letter to the subordinates of General Tang Sun-tse, asking them to use their influence to induce General Tang to retire without a fight.

Peking, July 2.—The foreign delegates to the Customs Conference have decided to hold an important meeting tomorrow for the purpose of discussing the fate of the Conference, that is, whether they shall try to carry on or suspend until fall.

Hankow, July 2.—In view of his relations with the Kuomintang at Canton it is reported that General Tang Sun-tse has refused to withdraw and in consequence it is expected that hostilities for the control of Hunan will shortly start in earnest.

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Christian Teaching on Social and Economic Questions by C. C. Robinson	2.00
Christianity and Amusements by R. H. Edwards	2.30
Christianity and Progress by H. E. Fosdick	3.00
Day by Day with the Master by R. Cluett	2.00
Dynamic of Manhood by L. H. Gulick	2. 0
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Games by G. O. Draper	2.00
God and Struggle for Existence by B. H. Streeter	3 00
Informing your Public by Square-Wilson	3 00
Jesus in the Experience of Men by T. R Glover	3.00
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Personal Elements in Religious Life by W. D. Weatherford	3.00
Rational Sex Life for Men by M. J. Exner	1.80
Second Mile by H. E. Fosdick	1.40
Sex and Life by T. W. Galloway	2.00
Social Significance of the Teaching of Jesus by J. W. Jenks	1.80
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Hsiung Hsi-ling, former Premier and Minister of Finance and at present Director of the Chihli River Conservancy Bureau at Tientsin, is visiting in Shanghai. While attending a meeting of the Chinese National Anti-Opium Society in the Missions Building on June 28, Mr. Hsiung was arrested on a Mixed Court warrent in connection with a dispute pertaining to the affairs of the Wah Chang Mining and Smelting Company, of which Mr. Hsiung was a director. T. C. White, an American citizen formerly of Peking but now of Shanghai, is reported to have brought the civil action against Mr. Hsiung in the International Mixed Court. When Mr. Hsiung appeared in Court there was a large crowd of officials, provincial and national, to assist him. He was released on Tls.10,000 bail.

Mr. Hsiung Hsi-ling

The case of "White vs. Wah Chang Mining and Smelting Company" has been before the International Mixed Court at Shanghai for several years and is based upon a contract which the manager of the mining company made with Mr. White about six years ago, but which Mr. White alleges was not carried out. The case has attracted considerable attention owing to the prominence of Mr. Hsiung and also because of the negotiations now proceeding in connection with the rendition of the Court to Chinese control. The Wah Chang Company, had its headquarters in Changsha, Hunan Province and was interested in the mining and smelting of antimony.

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Peking, July 3.—The Customs Conference will be suspended from today, according to unanimous decision of the foreign delegates who stated that there would be no further meetings until the Chinese had organized a government and appointed delegates to meet with the foreign delegates. Mr. Hioki, Japanese chief delegate, is expected to depart for Japan shortly.

Tokyo, July 3.—The Osaka Nippon Transportation Company has decided to conduct trial flights between Osaka and Dairen between now and August 5, the number of flights to be undertaken to be five.

Tokyo, July 3.—In view of the success of the Sino-Japanese Art Exhibition which was held here recently, another exhibition is to be opened in Osaka on July 7 and the party of Chinese artists which has been in Tokyo are departing for Osaka to participate.

Shanghai, July 3.—Chen Tao-yi, civil governor of Kiangsu has issued instructions for the closing of the offices and the dissolution of the National Laborers and Merchants Association at Shanghai on the grounds that the organization was formed for the purpose of stirring up labor troubles in Shanghai mills.

Peking, July 3.—Since Marshal Wu Pei-fu has completed the inspection of troops under the commands of Generals Tien Wei-ching, and Wei Yi-san, he will return to Paotingfu immediately. General Chang Chin-yao will remain at Changhsintien to direct the operations against the Kuominchun at Nankow.

Peking, July 3.—It is reported that the combined Chihli-Fengtien-Shantung attack on the Kuominchun at Nankow will start on July 5. The Mukden troops will attack at Doloner, the Shantung troops at Nankow and Chihli will press upon Huailia and Kalgan.

Hankow, July 3.—It is reported that all is in readiness for the attempt to drive General Tang Sun-tse and Kuomintang influence from Hunan, the combined forces under General Chao Heng-ti being composed of Hupeh and Hunan troops loyal to Wu Pei-fu.

Peking, July 4.—Marshal Wu Pei-fu is reported to have wired Marshal Chang Tso-ling advising him to delay his return to Mukden until something definite has been accomplished in the Anti-Kuominchun campaign.

Hankow, July 4.—Owing to opposition on the part of business interests, General Chen Chia-mo, Tupan of Hupeh has altered the recent plan to collect likin taxes in silver instead of copper, by inserting the word "cash" in place of "ready money" in the order.

Peking, July 4.—It is reported that a mandate is shortly to be issued appointing Admiral Tu Shi-Kuei as Premier pending a definite settlement of the cabinet question.

Peking, July 4.—Both Dr. W. W. Yen and Admiral Tsai Ting-kan are apparently indifferent to the action of the Powers in deciding to postpone the meetings of the Customs Conference. Yen is still residing in the Western Hills and Admiral Tsai is reported to be preparing to go to Shanghai.

Peking, July 4.—Despite reports that Marshal Wu Pei-fu was planning to return to Hankow immediately, it is possible that he may remain at Paotingfu for a time in order to observe the operations against the Kuominchun.

Shanghai, July 5.—Despite denials by Dr. V. K. Wellington Koo that the reports of a loan from the British-American Tobacco Company is in contemplation, it is said that certain negotiations are actually going on in Peking between the Ministry of Finance and a certain tobacco company.

Shanghai, July 5.—General Yui Yu-jen, prominent member of the Kuominchun has arrived from Peking, supposedly for the purpose of conferring with Marshal Sun Chuan-fang and the Kuomintang.

Peking, July 5.—According to an interview with the *Toho* (Japanese) News Agency, Marshal Wu Pei-fu declares that unless the Powers proceed with the Tariff Conference that he will declare the present customs treaties abrogated.

Peking, July 5.—The Dailai Lama of Tibet, according to a report received here, is planning to negotiate a loan with the British Government in India. In consequence of this report, the Ministry of Foreign Affairs has telegraphed to the Chinese officials on the Tibetan broder to investigate the matter.

Peking, July 6.—Chang Hsieh-chuan, general secretary of the Tarxiff Conference, issued a statement today that the Powers had decided upon the increase of the Chinese customs amounting to 2½ percent for general products and 5 percent for luxuries in accordance with the provision of the Washington Conference, but that another and final meeting would be necessary for making these rates effective, after a Chinese Government has been formed.

New Books and Publications

Two Books on China

Why China Sees Red, by Putnam Weale; London: Macmillan and Co.

China An Analysis, by Frank J. Goodnow; Baltimore: The John Hopkins Press.

Mr. Putnam Weale wrote his book soon after the incidents of the May 30, 1925, trying to make it as exhaustive in its treatment of the causes that led to the incidents and the general situation at the time, as he could.

A brief review of the incidents that led to the shooting on the Nanking road, Shanghai, by the international police occupies the first chapter of the book. The treatment is fair and concise. The following comments by the author on the conduct of the police officers who was responsible for the shooting are worthy of consideration:

"Inspector Everson had played his alloted part, as ignorant of the real drama as were the courtiers who bowed and scraped before Hamlet of the madness of the Prince of Denmark. . . . But the police officer, standing at the gate of his police station and doing what his instructions laid down in case of dire extremity, shooting to kill, was a symbol of something that traced its descent directly back to pre-treaty days; his error, if there was any, was the error of an order that had not yet been adjusted to the vast changes. . . ."

It is clear to any thinking man that the doctrines of Lenin can have no appeal to the Chinese mind. But the social ostracism to which they have been subjected for a long time fills their mind with the feelings of revolt. Soviet Russia has taken advantage of this situation, and from the background threatening, promising and paying the student community has prepared a revolt against the foreign powers in China. The object of Russia is neither to Bolshevise China, nor to promote a keen class struggle which are impracticable, but to set the Chinese against her own opponents by preaching anti-Imperialism and the end of the unequal treaties, "even here they had to tread gingerly, as their action in Mongolia was Japanese in its thoroughness, resembling nothing so much as the step-by-step process which had resulted in the annexation of Korea."

The author is sure that the Kuomingtang party and its Red friends are destined to be assaulted in the same way as the Manchus were in 1911.

Mr. Putnam Weale believes that the Y. M. C. A. in China devotes more of its time and attention to political agitation than to social and religious work. There are many old members of the Y. M. C. A. who do not share the belief of the worthy writer.

The author in this as well as in some of his previous books tries to be a specialist in securing secret information. The reviewer wonders from what other source, if not his prolific imagination, does he get the carefully planned scheme of military operations in China by a certain European power, described in details on pages 263-265 of the book under review. In his book *Fight For Republic In China* he published a copy of a treaty between Sun Yat-sen and some politicians of Japan. The scheme never materialized, and the impression is that, perhaps, Mr. Putnam Weale himself imagined it.

Dr. Goodnow's book, "China An Analysis" is a scholarly document, free from any prejudice. Chapters on Economic China, Intellectual China are full of relevent information. For instance, want of a co-operative spirit in China is attributed to the self-sufficiency of the Chinese village system and want of communication. The chapter on philisophic China is exceptionally illuminating. In a few pages the lofty romantic philosophy of Laotzu is condensed beautifully, and the discussion of the moral philosophy of Confucius contains most of the important points in the teachings of the Sage. The misunderstanding that the present backwardness of China is due to the teachings of the sage is easily removed on reading this chapter of Dr. Goodnow's book.

The book emphasizes the need of co-operation between China and the Western powers.

The book is written in an excellent style and will he of considerable use to those who wish to study China.

H. P. Shastri

Colonel Carmi A. Thompson Will Study Philippine Islands

Colonel Carmi A. Thompson, who is heading a special investigation mission to the Philippine Islands, appointed by President Coolidge to make a survey of political and economic conditions in the Philippines, arrived in Shanghai last Friday, July 2, on the *President Grant*, accompanied by Mrs. Thompson, his private secretary, Miss Grace M. Jones and his secretary, James L. E. Jappe of Cleveland, and five newspaper correspondents who are indirectly interested in his investigations.

Colonel Carmi A. Thompson

The "special-investigatior" is armed with a special commission from the President of the United States, authorizing a most exhausive survey. Mr. Thompson is planning to hold public hearings in Manila and to visit the greater part of the archipelago, going as far south as the Sulu Islands and returning to the United States via Samoa and Guam in time to advise President Coolidge before Congress reassembles next December.

Mr. Thompson was given a special meeting of welcome last Friday night, July 2, by the Shanghai branch of the Spanish-American War Veterans, of which he is Commander-in-Chief. The following night, July 3, Colonel Thompson, together with Captain Robert Dollar, who also arrived on the *President Grant*, were the guests at dinner given by the War Veterans and the American Association at the American Club.

The question of the Philippine independence is of great import at present, and Colonel Thompson's report is expected to have far-reaching importance because of its bearing on the future American policy in the Philippines and the Pacific generally. Regarding the report that he had been slated to succeed General Wood as Governor-General of the Philippines, Colonel Thompson told press representatives that the work which lay immediately ahead of him was the sole topic which occupied his mind and that he would decline such an appointment were it offered him because of business interests in America.

Colonel Thompson, besides acting as Commander-in-Chief of the Spanish-American War Veterans, is a practicing lawyer and business man, having extensive interests in iron ore, banking and newspapers in Ohio. He is part owner of the *Marion Star*, which was formerly published by the late President Harding. He has served under three different Presidents of the United States. During the Taft administration he was secretary to the President, Assistant Secretary of the Interior and Treasurer of the United States. He was a close personal friend and political advisor of the late President Harding, who appointed him a member of the advisory committee of the American Delegation to the Disarmament Conference at Washington in 1921. He was associate chairman of the Coolidge pre-primary committee, and is now chairman of the Ohio Finance Committee of the Republican National Committee.

Colonel Thompson and his party left Shanghai last Sunday, July 4, on the same boat for Manila.

THE PEITAIHO AGENCY
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VICTORIA TERRACE TIENTSIN

American Gold Bond Quotations

Name of Security	Coupon Rate %	Date of Maturity	Sale Price June 24th.	Sale Price July 1st.	Approx. Yeld to Maturity July 1st.
Szecho-Slovak Govt. Sinking Fund Loan...	8	Oct. 1, 1952	101½	101½	7.85
Cuban Domin. Sugar Co. 1st Lien S. F. Loan...	7½	Nov. 1, 1944	98¼	97¾	7.75
Republic of Chile S. F. Loan	7	Nov. 1, 1942	101¼	100¼	6.95
Argentine Government Ser. "A".....	6	Sept. 1, 1957	99⅛	99¾	6.00
German Government S. F. Loan.....	7	Oct. 15, 1949	104⅞	104½	6.60
Kingdom of Norway S. F. Loan.....	6	Aug. 15, 1943	102⅛	102⅛	5.80
Deutsche Renten Bank 1st Lien Farm Loan	7%	Sept. 15, 1950	99¾	99½	7.05
Can. Pac. R. R. Co. Debenture Stock	4	Perpetual	84	84⅛	4.75
Belgian Government S. F. Loan.....	6	Jan. 1, 1955	84¼	84⅜	7.30
Andes Copper Mining Co. Debentures.....	7	Jan. 1, 1943	100⅜	100¼	6.95
German General Electric Co. S. F. Loan.....	7	Jan. 15, 1945	99⅞	101	6.90
Saxon Public Works Inc. 1st Mtge. Guaranteed S. F. Loan.....	7	Feb. 1, 1945	97	97½	7.25
Cuban Northern RR. Co. 1st Mtge. Loan.....	6	July 1, 1966	98	97¾	6.15
Dodge Brothers Inc. Debentures	6	May 1, 1940	94⅞	96¼	6.40
Republic of Haiti	6	Oct. 1, 1952	98½	98½	6.10
Czecho Slovak Government Ext. S.F. Loan ..	7½	Oct. 1, 1945	100	99⅜	7.65
Kingdon of Italy, Ext. S. F. Loan.....	7	Dec. 1, 1951	88¾	89	8.00

The National City Company International Bank Building No. 2A Kiukiang Road, Shanghai, China.

These quotations are subject to confirmation by the National City Company of NewYork.

News Notes

The Sporting News and Amusement Review, the new weekly magazine devoted to sports and amusement news of Shanghai and elsewhere, made its debut before the Shanghai public last Sunday, July 4. The magazine is edited by Harry Howard, formerly sporting editor of *The China Press*, with Kyat Tong as associate editor and N. J. Huges as business manager. The first number was termed the "Fourth of July" number and contained all sport news of interest listed under the various names of each sport. The issue is well illustrated and is printed on book paper. The size of the new magazine is 12½ inches by 9½ inches, and sells for 20 cents or Mex $5 per yearly subscription. The magazine is to be published every Sunday, giving all the sporting results of the previous week, including Saturday's doings. Sport enthusiasists will find it interesting and accurate with the added feature that it reports events not touched by other publications.

H. C. Yen, formerly cashier of the Bank of China, was presented with a silver memento by the Chinese Foreign Famine Relief Committee last Wednesday, June 30, at a function given in his honor at the Bank of China. The present was given in honor of the services of Mr. Yen, who was loaned by the Bank of China to the Committee five years ago to handle all funds intrusted to their care. Mr. Yen was praised for the faithful and efficient manner in which he handled millions of dollars of public money given for relief work. He now returns to the Bank of China as cashier, his former position. Forty-nine Guilds were represented at the function. Among those present were: Father Jacquinot, who acted as Chairman in the absence of Mr. Chu Pao San; H. E. Hsiung, Hsi Ling, H. C. Sung, C. Y. Sun, Chen Liang Yu, L. T. Yuan, Wang Shao Lai, Dr. MacGillivary, Father Bayol, Koo Chi Sun, Wong I-ding, George Fitch, W. E. Souter and others.

Shanghai Exchange for Week Ending Wednesday, June 30, 1926.

By Maitland, Fearon and Brand

Exchange:—The price of Bar Silver in London has declined 3/16d. for spot and ¼d. two months forward during the past week, to-days' quotation being 30⅛d. ready and forward. The official T/T rate on London dropped ¼d. to 2/11⅛d. An easier undertone in the Exchange Market has been noticable, and Speculators have been covering part of their oversold position, presumably on adverse reports in regard to the Indian Monsoon, later reports however indicate improving conditions. In regard to Imports and Exports, conditions remain much the same at the close the market is steady and the following T/T rates for near delivery are available:—London, 2/11 1/16d New York 72⅞, Yen 65⅛, 4 months Export paper can be placed:—Sterling 3/0⅜d, G. $73⅛.

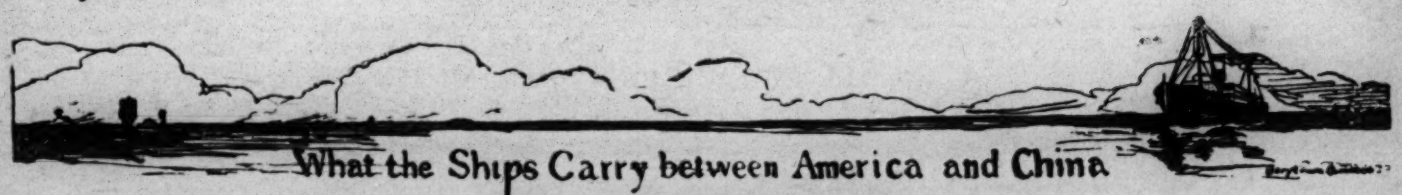
Our stocks of Silver are reported as follows:—

Sycee and Bar Silver.....Tls 80,120,000 an increase of Tls. 3,342,000.
Chinese and Mexican Dollars.....$ 64,090 000 a decrease of $ 950,000.
Estimated value Tls. 126,273.000 as against Tls. 91,450.000 held at this time last year.

	Average rates for May	Thursday June 24	Friday June 25	Satur. June 26	Mon. June 28	Tues. June 29	Wednesday June 30
Bk's selling rates		*opening closing*	*opening closing*	*opening closing*	*opening closing*	*opening closing*	*opening closing*
T/T London	2/11.150	2/11 1/16	2/11 1/16	2/11 1/16	2/11 1/16	2/11 1/16	2/11 1/16
O/Dfts. ,,	—	2/11 15/16	2/11 15/16	2/11 15/16	2/11 15/16	2/11 15/16	2/11 15/16
4m/s ,,	—	2/11 3/4	2/11 3/4	2/11 3/4	2/11 3/4	2/11 3/4	2/11 3/4
T/T India	195.710	197½	197½	198	198	196½	196½
T/T France	2,258.600	2525	2465	2500	2465	2455	2485
T/T N. Y.	71.260	72	72	72	72	71½	71½
T/T Hong	77.045	76¾	77	77	77	77	77
T/T Japan	65.915	65⅛	65⅛	65⅛	65⅛	65⅜	65⅜
T/T Batavia	176.048	177¾	177¾	177¾	177¾	176½	176½
T/T Straits	79.215	79	79	79	79	79½	79½
Bk's buying rates							
4m/s B/L. Cred. D A	3/0 470	3/1⅛	3/1⅛	3/1⅛	3/1⅛	3/0⅞	3/0⅞
4m/s .. D/P	—	3/1 3/16	3/1 3/16	3/1 3/16	3/1 3/16	3/1 1/16	3/1 1/16
6m/s , D A	3/0.780	3/1 7/16	3/1 7/16	3/1 7/16	3/1 7/16	3/1 5/16	3/1 5/16
4m/s B/F. C., D/A, D/P	1,371 200	2655	1695	2630	2595	2555	2615
4m/s N. Y. Lc.	73.580	75	75	75	75	74½	74½
4m/s ,, Does	—	75¼	75¼	75¼	75¼	74¾	74¾

Based on Daily Official quotation. higher arte taken on rising Market lower when falling. Bullion.	June 24	June 25	June 26	June 28	June 29	June 30
*London Price of Bar Silver per oz (English Standard 925 touch) Pence	30 1/16	30⅛	30 1/16	30 1/16	30 1/16	30⅛
**N. Y. Price of Bar Silver per oz (Pure)	G.$.65⅜	G.$.65½	G.$.65⅜	G $.65⅜	G.$.65⅜	G.$.65⅜
Shanghai Price of Gold Bars (weight Tls. 10 (Chauping) 978 touch).....	314.80	313.80	313.00	315.00	316.70	315.80
Shanghai Silver Bars (weight Tls 100(C.) 999 touch)	111.00	111.00	111.00	111.00	111.0	111.00
Shanghai Mexican Dollars per $100...	71.8375	71.80	71.90	72.00	71.80	71.8625
Native Bank Rate of Interest (Call money)	3½%	3½%	4%	4½%	4%	4%
*Closing Priece in London for Previous day						
**Closing Price in New York for Previous day						

Bank of England rate of discount	5%	London on Paris	T/T 169.01
Bank of France rate of discount	6%	New York on London	T/T 486⅜
London open Market of Dis. 3 ms/.	4⅛%	Bombay on London	T/T 1/5⅞
,, 4 ,,	4⅛%	Hongkong on ,,	T/T 2/2⅛
,, 6 ,,	4⅛%	Kobe ,, ,, ,,	T/T 1/11⅞



What the Ships Carry between America and China

Return of the Shanghai Customs

By Pls.—1 Picul or 133 1/3 pounds; Bls.—Bales; Pcs.—Pieces; Mil'e—thousands; Hk. Tls.—Haikwan Tls., June Customs Rate Tls. 1.25 equal Gold $1

S. S. Javanese Prince, June 1.

To New York.

Chinaware	Pls.	359
Egg Alumen, Dried	,,	95
Hides, Buffalo	,,	310
Carpets Large	Hk. Tls.	486

S. S. Bearport, June 2. from U. S. A.

Flour, Wheat	Pls.	375
Paper, Printing	,,	1,127
Timber:		
Softwood, Merchantable	Sup. ft.	184 488
Softwood, Ordinary Sawn	Sup.ft.	217,859

S. S. President Garfield, June 3.

To Boston.

Skins, Goat, Untanned	Pls.	924

To New York.

Tea, Black, Cangou, Hankow	,,	1
Tea, Black, Cangou, Kiukiang	,,	35
Tea, Black, Congou, other Ports	,,	19
Tea, Green:		
Gunpowder, Ningpo	,,	285
Young Hyson, other Ports	,,	21
Antimony Crude	Pls.	840
,, Oxide	,,	168
,, Regulus	,,	1,428
Bristles	,,	152
Egg Albumen, Dried	,,	518
,, ,, Moist	,,	563
,, Yolk, Dried	,,	521
Egg Yolk, Moist	,,	2,205
Egg Whole, Frozen	,,	945
Feathers	,,	35
Hides, Buffalo	,,	199
Intestines, Sheep's, Salted	,,	8
Oil, Groundnut	,,	12
,, Wood	,,	450
Skins, Goat, Untanned	,,	889
Soy	,,	70
Wool, Sheep's	,,	86
Skins, Kid	Pcs.	4,600
Carpets	Hk. Tls.	5,051

S. S. President Garfield, June 2. from U. S. A.

Cotton Piece Goods, Unclassed	Yds.	808
Cottons, Yarn-dyed	,,	3,676
Cottons, Printed Unclassed	,,	329
Waterproof Cloth	,,	990
Wooloa	Pls.	14
Iron Wire Shorts	,,	297
Iron Galvanized:		
Sheets, Corrugated	,,	164
,, Plain	,,	247
Wire Shorts	,,	334
Asparagus Canned	,,	590
Bones, Cow	,,	375
Bronze Powder	,,	75
Cream, Evaporated	,,	308
Fruits, Canned	,,	27
Hats, Hemp	,,	30
Indigo Paste, Artificial, 20 per cent	,,	44
Ink, Painting	,,	123
Lard Red	,,	15
Leather, Calf	,,	7
,, Patent	,,	15
,, Sole	,,	915
Macaroni	,,	66
Newspaper, Old	,,	4,355
Oranges, Fresh	,,	656
Paper, Coated	,,	1,689
,, Writing	,,	124
,, Unclassed	,,	5
Soda, Ash	,,	504
Twine	,,	20
Bedsteads Iron	Pcs.	28
Clocks	,,	150
Motor-cycles	,,	8
Machines, Sewing	,,	100
Typewriters	,,	56
Cigars	Mille	46
Cigarettes	,,	1,690
Shoes, Satin	Pairs	6,960
Glass, Rolled, Coloured, Sq. ft.		5,904
Dyes, Aniline Pkgs. 94	Hk. Tls.	5,904
Treasure:		
Sawn	Sup. ft.	526,070

S. S. Dacre Castle, June 3. from U. S. A.

Typewriters	Pcs.	28
Cotton Ducks	Yds.	50
Wooloa	Pls.	2
Iron Nails, Cut	,,	13
Iron Pipe Fittings	,,	308
,, Rods, Cast	,,	29
Flour, Corn	,,	111
Indigo Paste, Aatificial, 20 per cent	,,	1,012
Oakum	,,	11
Tobacco, Leaf	,,	915
Turpentine, Vegetable	Galls.	138
Shoes, Leather	Pairs	400

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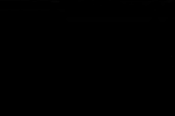

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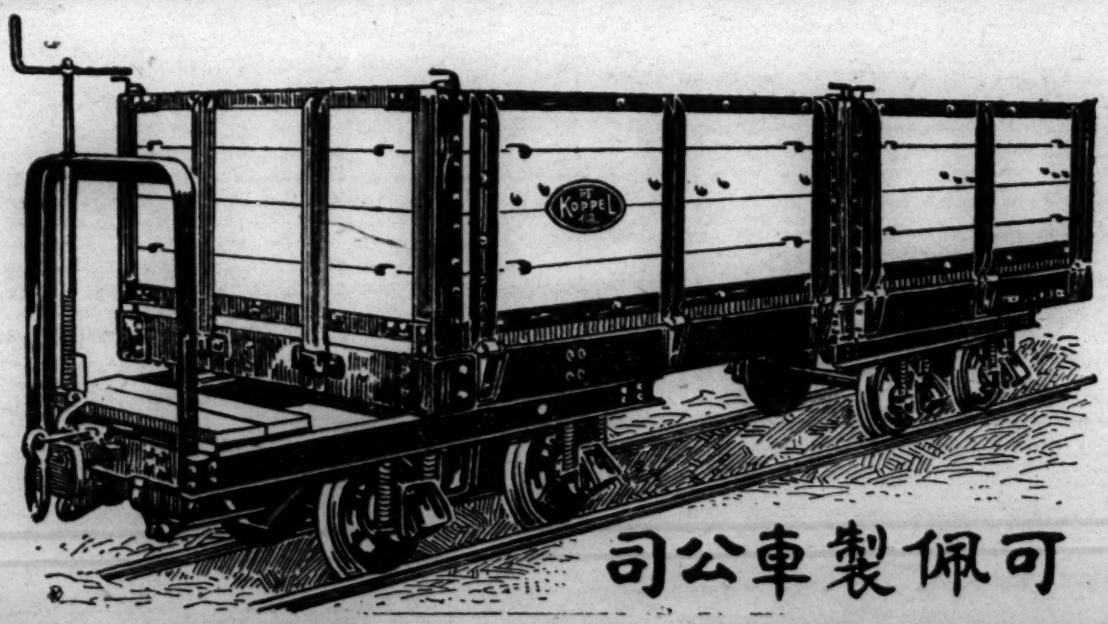

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PAGE

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Association Press 147
Publication of National Y. M. C. A.

British-American Tobacco Company ..... **Back Cover**
Manufacturers and distributors of Cigarettes and Tobacco.

Chicago, Milwaukee and St. Paul Railway 144
Continental railway (electrified.)

Chih Tze University 142
Offering literature, political science and business courses

Chinese Cotton Goods Exchange, Ltd. 142
Dealers in cotton goods—spot and forward.

Die Brueche 26
Weekly German Magazine.

Dodge Bros. Motor Car Company 133
The Dodge automobile.

Dollar Line IV
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Equitable Eastern Banking Corporation 139
International banking facilities.

Foot Ease Hosiery Mill 147
Manufacturers of "Foot Ease" Silk Hosiery.

Great Northern Railway 143
Trans-continental railway, The Oriental Limited

International Banking Corp 138
International Banking Service.

International General Electric Company 909
Manufacturers & constructors, electric supplies and equipment.

Koppel Industrial Car and Equipment Company V
Railway equipment manufacturers.

Laou Kiu Luen Silk Company 144
Dealers in silk goods.

Liggett and Meyers Tobacco Company II
Manufacturers and distributors of cigarettes and tobacco.

Northern Pacific Railway 146
Coast-to-Chicago Passenger and Freight Service.

Peitaiho Agency 40
Rentals and sales agents.

Port of Seattle 144
Commercial port of the Pacific Northwest.

United States Steel Products Company 141
Manufacturers and distributors and steel and steel products.

Universal Winding Company 139
Manufacturers of winding machines.

U. S. Rubber Export Company 135
Manufacturers and distributors of rubber and rubber products.

Statler Hotels 137
Operators of five first-class hotels in America.

Standard Oil Company of New York III
Socony-Petroleum Products—Branches all over the world.

Trade Mark Page VII

Universal Winding Co.	The China Jade Co.
The Lion Silk Store	A Pratical Peace Plan for China.
The China Jade Co.	The Commercial Press, Ltd.
Continental Construction Co.	O. I. C.
Alexander Shoe.	"Chung Hwa Studio"
Gande, Price Ltd.	Watson's Co.

WHEN WRITING TO THESE ADVERTISERS KINDLY MENTION THE CHINA WEEKLY REVIEW

GENERAL NEWS SUMMARY

July 3—Questions have been asked in the House of Commons with regard to the advisibility of selling dock sites in Hongkong and using the proceeds for the Singapore Naval Base——Imperial Russian War Bonds, for the purpose of American Income Tax returns, are to be regarded as bad debts——Canada has reverted to the penny post as from the first of this month——Australia is to accord preference treatment with regard to the duty on imported artificial silk of British manufacture——Mme. David Neil who made the trip into Tibet and lived at Lhassa has been suitably honored by the French Academy of Sports——An American is endeavoring to lower the round-the-world record on a bet with an American newspaper syndicate ——The negotiations between Hongkong and Canton are to commence on July 15.

July 4—The Danube River is swollen by floods——A military rebellion had broken out in Persia——The German-Dutch Commercial Treaty has been ratified by the Dutch——M. Emile Coue, the auto-suggestionist, dies——Mexico captures Canadian rum-running ship in pursuance of the treaty between Mexico and the U.S.——The Compromise Bill with regard to the property of the German exrulers has been withdrawn at the request of President Von Hindenburg.

July 5—The Havre-Paris fast express train carrying many American tourists, it is feared, is derailed, killing 17 and seriously injuring many——A Dutch professor has succeeded in solidfying helium under extremely low pressure——Large orders for coal placed in the United States dampenes hopes for early end of British strike ——A mission of American experts has been invited to Poland to consider financial conditions of the country—— Japanese newspapers blame failure of Peking Tariff Conference partly on the Japanese Delegates.

July 6—M. Callaux approves the report of the experts in connection with the rehabilitation of French finances—— The U.S. submarine S-51 whhich sank off Block Island last autumn has been raised——Atlanta authorities announce that they will sue for recovery of an autograph alleged to have been purloined from the states archives—— Another severe earthquake occures in central Sumatra—— Reports that the Kuominchun are continuing to retreat in a westerly direction are reaching Peking: Kalgan is very short of food.

Weekly Cotton Market Report

China Cotton:—The market since the issue of our last report has evinced a steady upward tendency showing an advance of about half a tael per picul for the near months due in a great measure to covering of short commitments and the firm attitude of "Holders" in consequence thereof, as also to a considerable demand from Japan and Tsingtao for the local staple.

The demand for actual Cotton has been quite brisk on the part of "Shorts" who are evidently being influenced by the apparent scarcity of high grades and the continuance of small receipts from the interior marts, and who seem determined to secure their full supply as quickly as possible.

Weather reports from the various districts in the Cotton belt are not very encouraging as latest news indicate excessive rain whereas dry and hot weather are urgently needed.

However, having in view the considerable drop in American futures and the continued reticense on the part of Mill operatives who, it would seem have fairly covered their contracted outputs for the time being one may be lead not to anticipate any heavy rise in the immediate future in the local market.

Yarn:—Our market may be said to have been in steady position throughout the past week in that fluctuations moved within a narrow range, and prices remain the same as compared with last week's level. Business for export has been booked some 9000 to 10000 Bales in all counts during the week under review.

Liverpool:—

American-Middling	9.24
American-Middling last reported.....	9.47

Tone of the market, *Steady*.

New York Market:—

Price of Mid-Amer.	18.40 Spot.
	16.42 Oct.
	16.31 Dec.
	16.11 Jan.
	16.31 Mar.
	16.48 May.

Tone of the market:—*Steady*.

Indian Market:—

Fully Good Bengal, July	250
Fine Oomra, July.....	319
Fully Good Broach, J./A.	333

Tone of the market:—*Steady*.

Shanghai Market:—

	Tls.
Tungchow, spot ex wharf	31.00
Shanghai, Spot.....	30.00
M. Ginned, Spot.....	30.50
Shensi, No. 1 Spot.....	30.50
Ningpo, Spot Exwharf.	28.20

Tone of the market:—*Firm*.

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Cigarette

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